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PIZARRO
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SERENITY MARSHALL,
Plaintiff
Vs. No. 11-CV-2521
STARBUCKS CORPORATION and
JENNIFER GURTOV, in her
individual and official
capacities,
Defendants.

DEPOSITION OF TINA PIZARRO
Dallas, Texas
January 11, 2012

Reported by: Susan S. Klinger, RMR-CRR, CSR
Job No.: 45317

https://www.accessakingump.com/eRoom/AkinGump/Starbucks1/0_e3c08

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|---|---|
| <p style="text-align: right;">Page 2</p> <p>1 PIZARRO</p> <p>2</p> <p>3</p> <p>4 January 11, 2012</p> <p>5 9:15 a.m.</p> <p>6</p> <p>7</p> <p>8</p> <p>9 Deposition of TINA PIZARRO, held at the</p> <p>10 offices of Akin Gump Strauss Hauer & Feld, 1700</p> <p>11 Pacific, Dallas, Texas, before Susan S.</p> <p>12 Klinger, a Registered Merit Reporter and</p> <p>13 Certified Realtime Reporter of the States of</p> <p>14 Texas and California.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>TSG Reporting - Worldwide 877-702-9580</p> | <p style="text-align: right;">Page 3</p> <p>1 PIZARRO</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 Attorneys for Plaintiff(s):</p> <p>5 Appearing telephonically</p> <p>6 Mr. David E. Gottlieb</p> <p>7 THOMPSON WIGDOR</p> <p>8 85 Fifth Avenue</p> <p>9 New York, New York 10003</p> <p>10</p> <p>11 Attorneys for Defendant(s):</p> <p>12 Mr. Samidh Guha</p> <p>13 AKIN GUMP STRAUSS HAUER & FELD</p> <p>14 One Bryant Park</p> <p>15 New York, New York 10036</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>TSG Reporting - Worldwide 877-702-9580</p> |
| <p style="text-align: right;">Page 4</p> <p>1 PIZARRO</p> <p>2 TINA PIZARRO,</p> <p>3 having been first duly sworn testified as</p> <p>4 follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. GOTTLIEB:</p> <p>7 Q. Hi, Ms. Pizarro. My name is David</p> <p>8 Gottlieb and I represent Serenity Marshall in</p> <p>9 her case against Starbucks and Jen Gurtov. I</p> <p>10 will be asking you some questions about that</p> <p>11 case today. Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you understand that you have just</p> <p>14 taken an oath to tell the truth?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Now, have you ever been</p> <p>17 deposed before?</p> <p>18 A. Yes.</p> <p>19 Q. How many times?</p> <p>20 A. Twice.</p> <p>21 Q. And were both of those times live</p> <p>22 in-person depositions?</p> <p>23 A. Yes. Well, one was with a jury</p> <p>24 actual trial and the other was a live</p> <p>25 deposition.</p> <p>TSG Reporting - Worldwide 877-702-9580</p> | <p style="text-align: right;">Page 5</p> <p>1 PIZARRO</p> <p>2 Q. Okay. So I'm going to go through</p> <p>3 some kind of ground rules for the deposition to</p> <p>4 make sure that the deposition goes smoothly and</p> <p>5 efficiently so that the court reporter can take</p> <p>6 the deposition down accurately, okay?</p> <p>7 A. Okay.</p> <p>8 Q. And these rules are particularly</p> <p>9 important given that this is over the phone. I</p> <p>10 want to make sure that you are able to hear and</p> <p>11 understand everything I'm saying. I need to be</p> <p>12 able to hear and understand everything you are</p> <p>13 saying and the court reporter needs to as well,</p> <p>14 okay?</p> <p>15 A. Okay.</p> <p>16 Q. So if you do not hear any question</p> <p>17 that I ask you, or even any word that I use in</p> <p>18 the question, please let me know and I will</p> <p>19 repeat it so that you can hear it, okay?</p> <p>20 A. Yes.</p> <p>21 Q. If you do not understand any</p> <p>22 question that I ask you or even any word in any</p> <p>23 question that I ask you, please let me know and</p> <p>24 I will try to rephrase it in a way that you do</p> <p>25 understand, okay?</p> <p>TSG Reporting - Worldwide 877-702-9580</p> |

PIZARRO

A. Okay.

Q. It is important that you let me finish my questions before answering so the court reporter can take everything down accurately and so that you fully understand the question that I'm asking before you answer, okay?

A. Okay.

Q. All your answers must be verbal, otherwise I won't know what your response is. And also so the court reporter can take everything down accurately, okay?

A. Okay.

Q. I also ask, particularly because this is over the phone that you keep your voice up as much as possible so that I can hear everything you are saying, okay?

A. Okay.

Q. Do you understand everything that I have said so far?

A. Yes.

Q. Do you have any questions about anything that I have said so far?

A. No.

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PIZARRO

Q. Now, if you want to take a break at any point during the deposition, that is fine. Just let me know and we can take a break, okay?

A. Okay.

Q. The only thing I request is that no breaks be taken while there is a question pending, okay?

A. Okay.

Q. Now, are you currently taking any medications that could affect your memory?

A. No.

Q. Are you taking any medications that could affect your ability to understand my questions or answer my questions truthfully?

A. No.

Q. Have you done anything to prepare for this deposition?

A. I have met -- yes.

Q. Okay. What have you done?

A. I have met with our attorney here and glanced at the documents.

Q. Okay. Did you have one meeting with counsel to prepare for this deposition or more than one meeting?

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PIZARRO

A. Yes, just one meeting.

Q. Okay. When was that?

A. Yesterday.

Q. Who was the attorney you met with?

A. Samidh.

MR. GUHA: Just for the record, she met with Samidh Guha.

Q. How long did you meet?

A. Two hours.

Q. Was anyone else present?

A. No.

Q. What documents did you review?

A. The case documentation and the attachments that were originally sent in from DM Jen Gurtov.

Q. You said the case documentation and the e-mail with the attachments that was originally sent by Jen Gurtov?

A. Yes.

Q. When you say "the case documents," what are you referring to?

A. The case documentation that we take through our AIM system, so my initial interaction with DM Jen Gurtov.

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PIZARRO

Q. Was that roughly a four-page document?

A. That sounds about right. I don't recall.

Q. Was that a document that had a number of redactions on it?

A. Yes.

Q. Okay. Anything else?

A. No.

Q. Did you discuss this deposition with anyone else other than with your counsel?

A. I informed my manager that I was going to a deposition and one peer for case coverage, but I did not discuss details with anyone.

Q. Okay. What is your current position at Starbucks?

A. I am a partner resources associate senior.

Q. How long have you been in that position?

A. The senior position about three months. And I've been -- let me back up, it's a little complicated. I've been a senior

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| <p style="text-align: right;">Page 10</p> <p>1 PIZARRO</p> <p>2 position before, was laid off from Starbucks in</p> <p>3 2009 and I held that position for about a year.</p> <p>4 And then in the level below this is partner</p> <p>5 resources associate. I've been in that</p> <p>6 position for about four years total.</p> <p>7 Q. Okay. During what period were you</p> <p>8 laid off?</p> <p>9 A. Around February 2009 for a year and</p> <p>10 rehired in June 2010.</p> <p>11 Q. Now, you said you were previously an</p> <p>12 associate senior for about a year. Before that</p> <p>13 you held another position?</p> <p>14 A. Correct.</p> <p>15 Q. What position was that?</p> <p>16 A. Partner resources associate, so it</p> <p>17 is basically the same role.</p> <p>18 Q. Okay.</p> <p>19 A. Just senior recognizes a promotion.</p> <p>20 Q. You held that position you said for</p> <p>21 approximately four years?</p> <p>22 A. Correct.</p> <p>23 Q. And did you have a position at</p> <p>24 Starbucks before that?</p> <p>25 A. Yes.</p> <p>TSG Reporting - Worldwide 877-702-9580</p> | <p style="text-align: right;">Page 11</p> <p>1 PIZARRO</p> <p>2 Q. What was that?</p> <p>3 A. I was a partner contact center</p> <p>4 supervisor for three and a half years.</p> <p>5 Q. Okay. And did you have a position</p> <p>6 at Starbucks before that?</p> <p>7 A. No.</p> <p>8 Q. Did you work somewhere else before</p> <p>9 that or were you in college or something else?</p> <p>10 A. I worked previously before that.</p> <p>11 Q. Where did you work before that?</p> <p>12 A. There was approximately three</p> <p>13 companies that I worked at prior to Starbucks</p> <p>14 that I would consider corporate jobs.</p> <p>15 Q. Okay. What was the -- what were the</p> <p>16 companies you worked at just prior to</p> <p>17 Starbucks?</p> <p>18 A. That was Modus Media International</p> <p>19 for two years.</p> <p>20 Q. Now, as a partner associate senior,</p> <p>21 what are your duties and responsibilities?</p> <p>22 A. So with the team I am currently on</p> <p>23 the responsibilities are to provide counsel</p> <p>24 recommendations on employee relations concerns</p> <p>25 for our field team which would include DM and</p> <p>TSG Reporting - Worldwide 877-702-9580</p> |
| <p style="text-align: right;">Page 12</p> <p>1 PIZARRO</p> <p>2 below district manager and below.</p> <p>3 Q. And you said you have held this</p> <p>4 position for about three months?</p> <p>5 A. No, I've had the senior role for</p> <p>6 three months, but I really -- the senior is</p> <p>7 just a new title. So I've been doing this</p> <p>8 position for this, for the partner resources</p> <p>9 support center team for a year and a half.</p> <p>10 Q. I see.</p> <p>11 A. And partner resources total for five</p> <p>12 years for Starbucks but the other years were</p> <p>13 different departments.</p> <p>14 MR. GOTTLIEB: Can the court</p> <p>15 reporter just read back to me the answer</p> <p>16 regarding duties and responsibilities?</p> <p>17 (Record read.)</p> <p>18 Q. When you say you provide counseling</p> <p>19 and recommendations, what do you mean by that?</p> <p>20 A. So as concerns are routed into our</p> <p>21 partner resources support center, the concerns</p> <p>22 matters are routed out to different partners</p> <p>23 within our team. And with those cases or</p> <p>24 matters, I will review them and if necessary</p> <p>25 investigate the matters, research policy and</p> <p>TSG Reporting - Worldwide 877-702-9580</p> | <p style="text-align: right;">Page 13</p> <p>1 PIZARRO</p> <p>2 provide recommendations to the partner</p> <p>3 whomever, whatever level that may be. And</p> <p>4 provide policy interpretation, help provide</p> <p>5 resolution and continue to discuss the matter</p> <p>6 as needed, so whatever that looks like. So it</p> <p>7 is a matter of just reviewing the entire</p> <p>8 employee relations matter and coming to a</p> <p>9 resolution within a certain amount of time.</p> <p>10 Q. Were your duties and</p> <p>11 responsibilities the same as you have just</p> <p>12 described during the period of January 2011?</p> <p>13 A. Yes.</p> <p>14 Q. Now, when you said with the team you</p> <p>15 are currently on, what did you mean by that?</p> <p>16 A. So the partner resource support</p> <p>17 center we also call it the PRSC. We are the</p> <p>18 center that supports matters and concerns for</p> <p>19 the field team. So other partner resources</p> <p>20 groups function differently.</p> <p>21 Q. Well, what are the other -- what are</p> <p>22 the other groups other than the field team?</p> <p>23 A. So, for example, I was with store</p> <p>24 development prior and IT prior. So I would</p> <p>25 support them in a similar manner, but I also</p> <p>TSG Reporting - Worldwide 877-702-9580</p> |

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2 had a lot of strategic responsibility and
3 training and different elements that would also
4 go into employee relations. This role is more
5 focused on employee relations and support to
6 the field. So the field is very different than
7 corporate.

8 **Q. How long in total have you worked**
9 **with the field team?**

10 A. That would be a year and a half
11 since I've returned.

12 **Q. Okay. And have you worked with the**
13 **field team ever before you were laid off?**

14 A. Many times. It would be indirectly
15 and/or directly if an investigation involves
16 store partners. But my primary customer client
17 group would have been the corporate partners
18 but there was a lot of crossover.

19 **Q. Now, do you know who Serenity**
20 **Marshall is?**

21 A. I am aware of who she is based on
22 this case. I do not know her personally.

23 **Q. When was the first time you became**
24 **aware that somebody named Serenity Marshall**
25 **worked at Starbucks?**

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2 A. That can be difficult to tell. I
3 became aware through the case with DM Jen
4 Gurtov there may have been a case where
5 Serenity called and perhaps used a partner
6 resource center, but I really don't know that.
7 So I may have spoken to her, but I have no
8 memory of that whatsoever.

9 **Q. So it is fair to say or as you sit**
10 **there today I should say you, the first**
11 **occasion that you can remember being aware that**
12 **Serenity Marshall worked at Starbucks was in**
13 **connection with Jen Gurtov's contacting partner**
14 **resources?**

15 A. Correct.

16 **Q. And do you remember when that was**
17 **the first time?**

18 A. Yes, I remember it was December of
19 2010.

20 **Q. Okay. And do you remember how Ms.**
21 **Gurtov initially communicated to you in**
22 **December of 2010, was it by phone or by e-mail**
23 **or something else?**

24 A. From what I recall, it was through
25 the case, so I would have seen the case as part
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2 of my queue and a matter that I should work on.

3 **Q. Now, when you said you would see the**
4 **case, explain to me what exactly happens that**
5 **you see it? Does something to come into you by**
6 **e-mail or something else?**

7 A. It is a case management system known
8 as AIM. It is an Onyx development software
9 program. And essentially our team each has
10 their own queue of cases. And I will manage a
11 number of cases at any certain amount of time
12 or any given time.

13 **Q. And how is it determined what cases**
14 **go to you as opposed to other partner resources**
15 **associates?**

16 A. So our team is mainly broken down
17 into three levels of responsibility. And that
18 is known as the PRM, which is the partner
19 resources manager, the PRA associate, associate
20 senior and the PRSs, and our partner resources
21 specialists.

22 Our partner resources specialist
23 will receive the case from the group that
24 intakes the call, which is the partner contact
25 center. The partner resources specialist will

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2 review the case and depending upon the matter
3 of the case will either send it on to a PRA or
4 a PRM or they may keep very low less complex
5 cases or the case could be routed to our
6 compliance team.

7 So cases that would come to the PRA
8 level and within their territory would involve
9 cases that are separation consultations,
10 corrective action consultations, theft, partner
11 conflict, you know, partner concerns with store
12 manager or DM, complaints and general policies
13 and questions. So it is a wide bucket that
14 will come to the PRA level. We get the bulk of
15 the cases on the team.

16 **Q. Now, do you work with a particular**
17 **region?**

18 A. Yes.

19 **Q. What region is that?**

20 A. The regions are called -- it is two
21 regions. It is called Region 7 which is
22 Manhattan downtown and Region 6 which is Texas,
23 Oklahoma, Arizona, part of Colorado and New
24 Mexico.

25 **Q. Do you remember when in December of**
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2 **2010 Ms. Gurtov first contacted you through**
3 **the, through the PRCS system?**

4 A. I do not recall the exact date.

5 **Q. Why do you believe it was in**
6 **December of 2010?**

7 A. I remember talking to her through
8 the holidays. And I also remember my case
9 queue looking at the duration of the case
10 because I'm held to a standard on case closure
11 service levels. So I do remember, you know,
12 reviewing this case a few times in my queue you
13 get to become familiar with the ones that are
14 in your queue for longer than two weeks.

15 **Q. Now, the first communication you**
16 **received was it regarding Ms. Marshall, was it**
17 **directly from Ms. Gurtov or did it come through**
18 **the system?**

19 A. I believe it was through the system,
20 but I don't know if I can say for sure. A lot
21 of times DMs do reach out to me directly
22 because they know I get the case. Typically, I
23 would contact a DM after I look at the case,
24 but I cannot recall for sure what the first
25 contact was.

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2 **Q. Can the court reporter please --**
3 **well, before I have an exhibit passed to you**
4 **I've had eight exhibits previously marked**
5 **Pizarro 1 through Pizarro 8. And 8 -- just for**
6 **the sake of ease I'm going to have the exhibits**
7 **marked as such so they may appear out of order**
8 **numerically, but it will make things easier if**
9 **we do it that way.**

10 **So would the court reporter hand the**
11 **witness the document that was titled Exhibit 1?**
12 **(Exhibit 1 marked.)**

13 **Q. Ms. Pizarro, I've handed you a**
14 **document been marked Pizarro 1. It is a**
15 **four-page document Bates stamped STAR_MARSHALL**
16 **162 through 166. Can you please review that**
17 **document and tell me if you recognize it?**

18 A. Yes.

19 **Q. You do recognize it?**

20 A. Yes.

21 **Q. What do you recognize this to be?**

22 MR. GUHA: David, just one
23 interruption. I don't think this is
24 substantively important. Just to make sure
25 the record is clear, this document doesn't

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2 bear those Bates numbers that you
3 mentioned.

4 MR. GOTTLIEB: Does it bear Bates
5 numbers at all?

6 MR. GUHA: No, it doesn't.

7 MR. GOTTLIEB: I'm not sure why
8 printing documents has become such an
9 issue. Is there anything that is
10 substantively not part of the document?

11 MR. GUHA: I don't think so.

12 MR. GOTTLIEB: That should be --

13 MR. GUHA: I don't think so, but
14 just maybe for clarification I'm just
15 trying to think of a way we can identify
16 it. I don't imagine there being a dispute
17 about it.

18 MR. GOTTLIEB: I mean in an
19 abundance of caution I can e-mail the
20 documents and we can take a break.

21 MR. GUHA: David, let's just
22 proceed. I think that is going to be fine.
23 I just wanted to make sure, I just wanted
24 to bring that to your attention.

25 MR. GOTTLIEB: Let me ask you a

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2 question just so we're on the same page in
3 terms of what exactly is in front of you.
4 On the bottom of the page there should be
5 on the document I have which above the
6 Bates stamp there is a long kind of HTTP
7 address. Do you have that as part of the
8 document?

9 MR. GUHA: Yes, we do.

10 MR. GOTTLIEB: Okay. So I will just
11 represent for the record on the actual
12 documents that were produced with the Bates
13 stamps. The only thing on any of the pages
14 below that HTTP address is the Bates stamp,
15 so there is no substance of the document
16 that you do not have.

17 MR. GUHA: Got it. That is great,
18 thanks.

19 **Q. Again, I will just note for the**
20 **record that the document production ranges 1622**
21 **through 1626.**

22 **Ms. Pizarro, so you said you do**
23 **recognize this document; correct?**

24 A. Yes.

25 **Q. What do you recognize it to be?**

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2 A. A case through our AIM system.

3 **Q. Is this the case involving Serenity**
4 **Marshall?**

5 A. Correct.

6 **Q. Is there any case report regarding**
7 **Serenity Marshall other than the one that you**
8 **have in front of you?**

9 A. I'm not sure I understand the
10 question of report.

11 **Q. Well, is this the entire case?**

12 A. I don't know. I would have to look
13 at our AIM system to determine if there is
14 other cases involved. From looking at this we
15 start a case from beginning to end, so yes,
16 this looks like the entire case that I worked
17 with.

18 **Q. Okay. What does AIM stand for?**

19 A. It is an acronym that we actually
20 call the Onyx system. I think it is just an
21 internal name that we called it when we were
22 trying to name it. AIM your interactions or
23 something like that. There is no -- there is
24 no, you know, external name. It is just an
25 internal name we came up with years ago. It's

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2 just basically the customer management system.

3 **Q. Can you explain to me how this**
4 **document is generated?**

5 A. A partner, so in this case DM Jen
6 Gurtov would have called our partner contact
7 center and opened up a case. And the partner
8 contact center representative would have
9 started a case and intakes all the information
10 and then routed it to our PRS, partner
11 resources specialist, team.

12 **Q. And is it fair to say that**
13 **subsequent actions taken would then be entered**
14 **by the person to whom it was routed?**

15 A. Correct.

16 **Q. Now, the first entry on this case if**
17 **you look on the third page 1625 indicates that**
18 **it was entered by Stephen Somers at 1/6/2001 at**
19 **10:51 a.m.; is that correct?**

20 A. Yes.

21 **Q. Okay. Does that refresh your**
22 **recollection in any way as to the time frame in**
23 **which you spoke to Ms. Gurtov about Ms.**
24 **Marshall's case?**

25 MR. GUHA: Objection.

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2 A. So when I reviewed the case I just
3 -- yes, from what I recall it was December
4 through February on this case. So according to
5 this, looks like she called on the 6th and I
6 talked to her on the 10th. I just remember
7 back that I had the case December through
8 January, so obviously I spoke with her or left
9 a message on the 10th.

10 **Q. My question is does this document**
11 **refresh your recollection as to the first time**
12 **you spoke or had any communication with Ms.**
13 **Gurtov regarding Serenity Marshall and her**
14 **discipline?**

15 A. I can only go off what the document
16 says. So I'm remembering exact dates of when I
17 did actually speak to her, but I can look at
18 the document and say that must be when I spoke
19 with her.

20 **Q. When you say that must be when I**
21 **spoke with her, what are you referring to?**

22 A. When I left the message or had the
23 interactions with her when it says talk with DM
24 Jennifer on the 12th, so our case management
25 system captures those details.

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2 **Q. So this document indicates, you're**
3 **referring to the same page it says that there**
4 **was a voice mail you left for her on January**
5 **10th, 2011 and then you spoke to her on January**
6 **12th, 2011; correct?**

7 A. Correct.

8 **Q. Is there any conversation or**
9 **communication that you can remember having with**
10 **Jen Gurtov regarding Serenity Marshall before**
11 **January 10th, 2011?**

12 A. Not that I can recall.

13 **Q. Now, on January 10th, 2011, you**
14 **contacted Ms. Marshall -- excuse me, strike**
15 **that.**

16 **On January 10th, 2011 you contacted**
17 **Jen Gurtov after having Ms. Marshall's case**
18 **routed to you; is that correct?**

19 A. Correct.

20 **Q. Now, how did you first come to be**
21 **aware that the case was routed to you?**

22 A. The case would be placed into my
23 queue. And I have a queue of cases that I work
24 out of that are assigned to me.

25 **Q. Again, you learned of that through**

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your computer?

A. Correct.

Q. And what information did you learn or -- strike that.

What information is contained in the communication to you that a case is assigned to you?

A. Can you rephrase that question? I'm not sure I understand the question.

Q. Really what I'm asking is do you see the portion of Pizarro 1 indicated underneath where it says Stephen Somers at 1/6/2011?

A. Uh-huh, yes.

Q. Underneath there there is information regarding a telephone call Ms. Gurtov had with Mr. Somers; correct?

A. Correct.

Q. Now, when the case is routed to you, are you provided with that information?

A. Yes.

Q. Are you provided with that information verbatim or something else?

A. It would be in the case details, so it appeared just as it does here on my computer

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screen.

Q. I see. So is it fair to say that the first communication you had with anybody regarding this case was the information contained within the portion of this document under 1/6/2011?

A. I would have to say yes, from again, in my -- I don't know if an e-mail preceded this. Again, sometimes DMs reach out to me directly, but from looking at this, that is my normal process. So 90 percent of the time that would have been my first review of the case.

MR. GOTTLIEB: And now, to the extent there are any e-mails between Ms. Gurtov and Ms. Pizarro prior to 1/6/2011, those should have been produced if they actually exist. I'm just going to call for their production if, in fact, they do exist.

MR. GUHA: I will obviously double-check, but I believe we have produced everything that is, that is there.

Q. Right. Now, do you remember when you first read the case that was routed to you

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with the information entered by Stephen Somers at 1/6/2011?

A. Yes, I don't know if I would remember exactly the day and sitting down and reading the case verbatim. I have many cases in my queue, so I wouldn't have necessarily remembered reading that day what Stephen wrote.

Q. How specifically are you notified that you have a case in your queue? Does something pop up on your computer or do you need to manually go into the AIM or something else?

A. Yes. We manually go into the AIM system and work out of that system all day long. And then I have due dates of cases that are assigned to me, and work on them based on due dates.

Q. I guess what I'm asking is let me -- as an example in Outlook, do you have Outlook?

A. Yes, sir.

Q. In Outlook when you get an e-mail, does your computer make a sound like a beep?

A. No, I turn it off. I don't like the beeps.

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Q. You turn it off, I understand.

A. Exactly.

Q. When you get an e-mail in Outlook, do you -- does it have a little preview of the e-mail pop up in the corner of your screen?

A. Yes.

Q. And that when you see that box pop up from the corner of the screen, you know you have a new e-mail; correct?

A. Correct.

Q. So what I'm asking is how are you notified through the AIM system that you have a new case that you need to review? Is there some sound that is made? Is there some -- something that pops up or is it something else?

A. No, there is no sound, there is no popup box. The system contains cases that are assigned to each person, and it is the expectation to manage those cases according to their due dates and priorities.

Q. But how are you expected to know that you have a new case?

A. I have my own queue. So every day, every minute I'm working out of that queue

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2 which contains multiple cases. So I just
3 continue to work through the cases that are
4 assigned to me and by due date.

5 **Q. Is it fair to say that if a new case**
6 **is put into your queue you would generally be**
7 **aware of it very quickly?**

8 A. Yes, I constantly refresh and see my
9 case volume and I work off of due dates.

10 **Q. Now, I would like to turn your**
11 **attention back to Pizarro 1. And again, the**
12 **first entry is made by Stephen Somers on**
13 **1/6/2011; correct?**

14 A. Correct.

15 **Q. And you first left a voice mail for**
16 **Jen Gurtov four days later on January 10th,**
17 **2011; correct?**

18 A. Correct.

19 **Q. Do you know why you waited four days**
20 **to respond to Jen Gurtov?**

21 A. So our system when a case is called
22 in, they have different due dates. A case of
23 this type would have a two-day due date. And
24 what that means is we must contact the partner
25 within two days and no later than that second

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2 business day based upon the volumes that we
3 have of our case management system. Our
4 ability to contact them is typically at least
5 on that second day. So if this involved a
6 weekend, my due date probably was the 10th.

7 **Q. Do you remember your reaction when**
8 **you first read the case as entered by Stephen**
9 **Somers?**

10 A. Yes.

11 **Q. What was your reaction?**

12 A. My reaction was the matter appeared
13 to be very straightforward.

14 **Q. Okay. What do you mean by that?**

15 A. What I mean by that is in cases such
16 as this when it is a clear policy violation it
17 is a pretty straightforward case of misconduct.

18 **Q. When you say there was a clear**
19 **policy violation, what are you referring to?**

20 A. The policy that stuck out, the two
21 policies that stuck out for me were
22 falsification of any company document and then
23 our cash handling policies.

24 **Q. What cash handling policies?**

25 A. So the cash handling policies that
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2 require the bank deposit to be taken to the
3 bank daily which also violates the safety and
4 security policy, too, and those are --

5 **Q. Go ahead.**

6 A. Sorry, nothing.

7 **Q. And you understood when you read the**
8 **case initially that the district manager, Jen**
9 **Gurtov, wanted to terminate Ms. Marshall; is**
10 **that correct?**

11 A. Correct.

12 **Q. Did you think termination was**
13 **appropriate from the summary report that you**
14 **received from Steve Somers?**

15 A. Yes.

16 **Q. Why is that?**

17 A. The policy violations that were
18 pointed out were very straightforward and
19 consistent with where we separated previously
20 and what we calibrate on our team for serious
21 misconduct policy violations.

22 **Q. Now, you say when it was consistent**
23 **with what you had done previously, what do you**
24 **mean by that?**

25 A. So as we look at misconduct things

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2 of that nature are serious and each case is
3 reviewed individually and independently. So in
4 looking at this case, it did have multiple
5 violations under the serious misconduct
6 guideline.

7 **Q. But my question is you said it was**
8 **consistent with what you had done in the past.**
9 **What had you done in the past that was**
10 **consistent with this?**

11 A. So it is difficult to speak without
12 having cases in front of me, but falsification
13 or bank deposits or safety and security
14 violations are a very serious and significant
15 policy violation that would result in
16 separation.

17 **Q. Can you remember any other employee**
18 **who has been terminated for falsification of**
19 **company documents?**

20 A. I know of several, but nothing that
21 I can speak to right now. It is a very, very
22 common case that I've managed. And again, it
23 would have multiple elements to the case that
24 are all fully reviewed. Each case is unique.

25 **Q. Is it fair to say that you have been**

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involved in many cases involving falsification of company documents?

A. Yes.

Q. And each of those cases resulted in termination?

A. I would not be able to answer that without looking at the case. Each case has so many different elements to it.

Q. Can you estimate how many cases you have been involved in that involved falsification of company documents?

A. No.

Q. Would you say it has been more than or less than 10?

A. On a quarter, I close about 500 cases each quarter. So for me to estimate or average you don't -- all the variety of case types that I handle, I'm just not capable of doing that. I would hate to throw out any numbers. It would be a complete guess, I honestly do not know.

Q. So you handle about 500 cases per quarter?

A. Correct.

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Q. Can you remember the last case that you were involved in that involved falsification of company documents?

A. Yes.

Q. What was that?

A. There was a case recently that a shift supervisor indicated that he, in the record book that he was on time. And he was actually 45 minutes late and had wrote down a different time. And so essentially it was a time theft and falsification case.

Q. And was that employee disciplined?

A. I believe so and I cannot recall. I believe my recommendation was separation in this case. This was about three weeks ago.

Q. Can you estimate how many cases involving falsification of company documents specifically related to the daily records book you have received in the past year?

A. I can't. I have too many case types to estimate.

Q. Now, if you wanted to sort through your cases to find the ones in which there was a falsification of company documents, how would

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you do that?

A. I actually really don't have that capability. We have at the header of our cases is a description line, and that is what I see. So basically each case is, like, a one line case type across my screen with 80 or so below it. And the case description may say DM separation consultation. I won't know the case details until I get into the bulk of the case. So I do not have any sort of sorting or finding based on keywords or anything of that nature.

Q. Is there a search function within the AIM system where you can search using the keyword or something of that sort?

A. Not that I have access to.

Q. But are you aware of whether it exists that somebody else might have access to?

A. I believe it does exist, yes.

Q. Why do you believe it exists?

A. Because it has been utilized by our reporting person on our team.

Q. Who is that reporting person?

A. Amy Corasko.

Q. Where does she work?

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A. She is in the corporate office in Seattle.

Q. And how do you know that searching function has been used by her before?

A. It has been discussed.

Q. In what context?

A. When we're looking at -- we have what is called data reporting. So when we try to get the bulk of what our cases are and what they are to share with field leadership and/or other leaders, that type of reporting analysis will be used.

MR. GOTTLIEB: I'm going to call for production of any, any case within the AIM system containing the word falsification and containing the word, the term daily records book and likely some other search terms. I'm going to call for production of those documents during the period of 2010 and 2011 to the present.

MR. GUHA: We will take that under advisement.

Q. Now, you said the recent employee that falsified records in the records book as

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to the time that he arrived at work you said you think you recommended him for termination?

A. Yes.

Q. Okay. Now, before that case, what was the most recent case involving falsification of company records that you can remember?

A. I can't recall.

Q. Can you recall any instance where there is an issue of falsification of company documents where the employee was not terminated?

A. I can't recall.

Q. Can you recall any instance where there is an issue of falsification of company records where the employee was terminated other than Serenity Marshall?

A. I can't recall right now.

Q. I would like to turn your attention to Pizarro 1. The section where it says, "Entered by Tina Pizarro at 1/10/2011." Do you see that?

A. Yes.

Q. Beneath that it says, "LVM for TSG Reporting - Worldwide 877-702-9580

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Jennifer;" right?

A. Yes.

Q. That means left voice mail for Jen Gurtov?

A. Correct.

Q. I would like to go through this section piece by piece. So first it says, "On VM I let Jennifer know that it appears the SM violated our policy under Section 11 of the partner guide, and has a case of serious misconduct that can result in immediate termination, 'falsification or misrepresentation of any company document;'" is that correct?

A. Correct.

Q. And you wrote that in response or -- strike that.

You wrote that because that is part of the voice mail you left for Ms. Gurtov?

MR. GUHA: Objection.

Q. You can answer?

A. I'm not sure if I understand the question.

Q. Okay. You typed this entry into the TSG Reporting - Worldwide 877-702-9580

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AIM system; is that correct?

A. Correct.

Q. And you typed this entry based on some actions that you took; correct?

MR. GUHA: Objection.

A. Yes, that would not be correct.

Q. Why would that be incorrect?

A. I typed this based upon what I had already read, the case that Jen had called in based on her details that she had provided to Stephen.

Q. Right. But this is a summary of a voice mail you left for Jen; is that correct?

A. Yes, that's correct.

Q. So what you wrote here would be a summary of what you did?

A. Correct, yes.

Q. Okay. So is it fair to say that on the voice mail you left for Jen Gurtov you told her that this was a case of serious misconduct that can result in immediate termination?

A. Yes.

Q. And did you leave that information for the reasons you previously testified to?

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MR. GUHA: Objection.

A. I left the voice mail based upon the review that I had reviewed from Stephen.

Q. What I'm asking about is the specific section I just read. Why did you say that?

A. I'm not sure if I understand the question.

Q. On the voice mail you left for Jen Gurtov you said, you said that, "It appears the SM violated our policy under Section 11 of the partner guide and has a serious case of" -- or strike that. "And has a case of serious misconduct that can result in immediate termination;" right?

A. Correct.

Q. That is part of the voice mail you left for Jen Gurtov?

A. Correct.

Q. Why did you say that on the voice mail?

A. As part of my review and assessment of cases, I will work with the DM or SM to ensure that the policy violation is clear. So

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2 I left that saying, yes, I've got your case.
3 It looks like here is the policy violation. It
4 sounds like this is a matter of this, let's
5 talk further. So essentially that is what -- I
6 was leaving the message.

7 **Q. Now, between the time when you first**
8 **received the case from Stephen Somers until the**
9 **time that you called Jen Gurtov and left a**
10 **voice mail on January 10th, did you engage in**
11 **any actions regarding this case?**

12 A. I don't recall.

13 **Q. Do you know if you reviewed any**
14 **documents?**

15 A. I don't recall.

16 **Q. Okay. The next section of the voice**
17 **mail says, "I asked Jennifer to let me know if**
18 **any money was missing and any other details**
19 **that weren't captured here." Do you see that?**

20 A. Yes.

21 **Q. And is that part of the voice mail**
22 **you left for her?**

23 A. Yes.

24 **Q. Why did you ask Jennifer to let you**
25 **know if any money was missing?**

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2 A. Because if the deposit is not taken
3 to the bank, I also like to know how much money
4 is missing and whether or not I should involve
5 partner and asset protection.

6 **Q. Okay. Why would you want to know if**
7 **any money was missing?**

8 MR. GUHA: Objection.

9 A. I would want to know if any money
10 was missing whether or not to involve partner
11 and asset protection as that can be a
12 significant store concern if there is cash
13 loss.

14 **Q. If there is what?**

15 A. Cash loss.

16 **Q. So it is fair to say that the issue**
17 **would be more serious if cash was missing?**

18 MR. GUHA: Objection.

19 A. It would only be a matter of to me
20 whether to involve P&AP to determine if we can
21 try to retrieve the cash.

22 **Q. My question to you is whether you**
23 **would consider the problem more significant if**
24 **cash, if cash was missing from the store?**

25 MR. GUHA: Objection.

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2 A. I would view it still as a matter
3 that is significant. Cash would just be
4 another element of the case that I would be
5 reviewing. The matter itself was significant.

6 **Q. I understand the matter was**
7 **significant. What I'm asking is whether it**
8 **would be more significant if cash was missing?**

9 MR. GUHA: Objection.

10 A. I wouldn't classify it that way.
11 For me it was an administration process whether
12 or not to involve P&AP.

13 **Q. So you wouldn't have any opinion**
14 **whether it would be a more serious matter if**
15 **cash were missing?**

16 A. It would be another element to the
17 case for review. And then it would be a
18 determination of where cash went. Let's say if
19 the cash was missing and it resulted in an
20 investigation and Ms. Marshall had taken the
21 money, then yes that would also be another
22 layer of significance. Not knowing any of
23 those details, it would just be a matter for me
24 whether or not to involve P&AP only, partner
25 and asset protection.

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2 **Q. So it is fair to say that you cannot**
3 **say that missing cash would make it more**
4 **significant?**

5 A. I wouldn't look at it that way. I
6 wouldn't look at it in terms of what is more or
7 less significant. I would look at it as where
8 do I go next with the case. I just, I don't
9 look at it in those terms.

10 **Q. But you looked at it in those terms**
11 **with regard to falsification of company**
12 **documents; right?**

13 A. Correct, but if there is an
14 additional piece of already significant case I
15 wouldn't necessarily say oh, now this is a
16 higher level of significance. To me, it was
17 already significant. And if money was missing,
18 that would be another element to a significant
19 case.

20 **Q. The next sentence up says I let her**
21 **know or -- strike that.**

22 **You also ask Jen Gurtov if any --**
23 **were there any other details that weren't**
24 **captured here; is that correct?**

25 A. Correct.

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2 **Q. What does that mean?**

3 A. So when a DM and SM or other partner
4 calls in they may provide high levels of
5 details. And there may be other pieces now
6 that it has gone to the case investigator to
7 share with that person. So it is just a way of
8 ensuring is there anything else that I should
9 be aware of.

10 **Q. The last section of the voice mail**
11 **you wrote, "I let her know from the notes that**
12 **it appears the SM does admit to the situation**
13 **and I agree with the consequence of separation**
14 **but would like to discuss further and provide**
15 **number;" is that correct?**

16 A. Correct.

17 **Q. Now, you said, "I let her know from**
18 **the notes that it appears SM does admit to the**
19 **situation." Are you referring to Jen Gurtov's**
20 **statement that the SM admitted to it?**

21 A. Yes.

22 **Q. Anything else?**

23 A. Well, it would be the whole totality
24 of the case not just the admission, but for the
25 falsification and not adhering to the cash and

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2 safety and security policy. It was the whole
3 matter.

4 **Q. When you said, "SM does not admit to**
5 **the" -- excuse me. You said, "SM does admit to**
6 **the situation." What were you referring to?**

7 A. To Jen's notes that -- I will review
8 it here. So number 5, I was referring to
9 number 5 where SM reason for falsifying deposit
10 information, etcetera.

11 **Q. Anything else?**

12 A. So specifically referring to the
13 admission, it would have been that one and
14 again, the overall case situation.

15 **Q. You wrote, "I agree with the**
16 **consequence of separation;" right?**

17 A. Uh-huh, yes.

18 **Q. Can you tell me every reason why you**
19 **agreed with the consequence of separation at**
20 **that point?**

21 MR. GUHA: Objection. You can
22 answer the question.

23 A. In reviewing the, the case notes, I
24 reviewed it based upon the falsification, the
25 deposit, the safety and security and her

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2 admission. And those would have been the
3 reasons I would have said that statement.

4 **Q. Anything else?**

5 A. Well, I said I wanted to review it
6 further and provided the number, but those were
7 the main reasons I supported it.

8 **Q. Did you understand at that point**
9 **that Serenity Marshall was a nine year**
10 **employee?**

11 A. I don't recall if I reviewed that
12 piece yet or not.

13 **Q. Did you think the employee's tenure**
14 **at Starbucks was a important factor to consider**
15 **before termination?**

16 A. We have partners of all experience
17 levels. And it is an unfortunate part of the
18 job we have long tenured partners or short
19 tenured partners when it comes to policy
20 violations, tenure does not play a factor in my
21 decisions. It is just something that, you
22 know, feels unfortunate personally.

23 **Q. So when you said, "I agree with the**
24 **consequence of separation," it is fair to say**
25 **you had not considered the duration and body of**

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2 **work of Serenity Marshall at Starbucks?**

3 MR. GUHA: Objection.

4 A. I purely reviewed it based upon
5 policy violations at this point.

6 **Q. And at that point you did not**
7 **consider her employment at Starbucks beyond**
8 **that violation?**

9 MR. GUHA: Objection.

10 A. The things that I evaluate are the
11 policy violations and the level of severity of
12 those violations.

13 **Q. And that is it?**

14 A. Well, with each case, there is,
15 there is many unique factors that can go into a
16 full review. So at this point, we hadn't
17 finished the case. There was other pieces that
18 I wanted to discuss and review but yes, the
19 case was not finished at that point.

20 **Q. At that point, the only**
21 **consideration that you had made when agreeing**
22 **with the consequence of termination was the**
23 **violation as reported by Ms. Gurtov?**

24 MR. GUHA: Objection.

25 A. Can you rephrase the question,

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2 please?

3 **Q. Is it fair to say that when you left**
 4 **the voice mail for Ms. Pizarro and you said you**
 5 **agree with the concept of separation, that that**
 6 **was based only on the violation as reported by**
 7 **Jen Gurtov?**

8 A. Correct. And I agree with
 9 separation and want to review further.

10 **Q. Okay. When you say that, "I would**
 11 **like to discuss further," what did you mean by**
 12 **that?**

13 A. So for any case again, they have
 14 unique properties and matters to them. So
 15 dependent upon the case will want to review and
 16 discuss it further. So whether there is
 17 performance reviews to look at corrective
 18 actions, that sort of thing, so it is obtaining
 19 and reviewing the facts of the case further.

20 **Q. But if you already agreed with the**
 21 **consequence of separation, what would you need**
 22 **to discuss further?**

23 A. I would want to see that the
 24 information also represents what was said here
 25 by Jen.

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2 on file?

3 MR. GUHA: Objection.

4 A. Again, taking in the entire
 5 performance corrective action history helps
 6 demonstrate where this partner is at. And it
 7 is -- it all depends upon the case. And it is
 8 just a matter of recordkeeping and keeping it
 9 on file.

10 **Q. Okay. So just to be clear, is it**
 11 **your testimony that separation determinations**
 12 **are impacted by the employee's history and**
 13 **performance at Starbucks or termination**
 14 **decisions for violations are not impacted by**
 15 **the partner's history and performance?**

16 A. It all depends upon the case type.
 17 We, we do not have what is called progressive
 18 discipline at Starbucks. So if a partner --
 19 you know, there is no guarantee that they will
 20 get a, you know, verbal, written final
 21 separation type conversation. You know, any
 22 corrective action up to and including
 23 termination can happen at any time on any case.

24 So if I had a case on time and
 25 attendance that might be something that might

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2 **Q. What do you mean by that?**

3 A. So just having a dialogue, so not to
 4 have just these decisions made over voice mail
 5 but to have an actual dialogue with the
 6 district manager of what that conversation
 7 looked like with the partner, reviewing
 8 performance reviews, any prior corrective
 9 actions or coaching, and then of course you
 10 know, the information as far as what would have
 11 been falsified and deposit slips and things of
 12 that nature.

13 **Q. Why would you want to review**
 14 **previous performance reviews and corrective**
 15 **actions?**

16 A. It is just an element that is
 17 typically done in a separation case just so
 18 that I have the full picture. And so that the
 19 picture is on file for safekeeping it is the
 20 best practice that we have.

21 **Q. Anything else?**

22 A. Anything else in which area?

23 **Q. Is there any other reason you would**
 24 **need to see previous performance reviews and**
 25 **corrective actions other than just to have it**

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2 be -- they might be on a final. And I will
 3 want to review that documentation, see if there
 4 is grounds for the separation. So it is really
 5 a matter of the history of performance on
 6 something that might not be under the serious
 7 misconduct violation.

8 So if it is something that has been
 9 a behavioral performance issue, but is not
 10 egregious enough or serious misconduct then
 11 those things are relevant. Otherwise, they
 12 could be just part of the file.

13 **Q. Now, you spoke with Jen Gurtov on**
 14 **January 12th, 2011; is that correct?**

15 A. Yes.

16 **Q. Are you aware of any actions you**
 17 **took with regard to this case between January**
 18 **10th, 2011 and January 12th, 2011?**

19 A. Not that I recall.

20 **Q. Do you remember that conversation?**

21 A. I remember it through my notes here.
 22 I do not.

23 **Q. Do you have an independent**
 24 **recollection of it separate from your notes?**

25 A. I do not.

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2 **Q. Separate from your notes, can you**
3 **tell me anything specifically that was**
4 **discussed during that conversation?**

5 A. I cannot recall.

6 **Q. Do you remember how long the**
7 **conversation lasted?**

8 A. I cannot recall.

9 **Q. Do you remember where you were when**
10 **the conversation took place?**

11 A. I cannot recall.

12 **Q. Do you remember if anyone else was**
13 **on the call?**

14 A. I cannot recall, but there would be
15 no reason for anybody else to be on the call.

16 **Q. Do you remember if you took any**
17 **notes of the call other than from this**
18 **document?**

19 A. I cannot recall.

20 MR. GUHA: Dave, whenever it is a
21 good time for a couple of minutes break. I
22 don't want to interrupt your questioning.
23 Let us know.

24 MR. GOTTLIEB: We've been going for
25 an hour. Now might be an okay time before
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2 **the conversation you had with her?**

3 MR. GUHA: You mean read to herself?

4 A. Yes.

5 **Q. You can read it to yourself?**

6 A. Yes. This sounds, it sounds like
7 things I type but I physically cannot picture
8 myself or remember that exact conversation.

9 **Q. So even after reading that section,**
10 **it does not refresh your memory as to the**
11 **context of that conversation and what was said**
12 **and so forth; is that correct?**

13 A. Correct, I would not be able to
14 expand upon that conversation. I don't recall
15 the physical actual conversation.

16 **Q. Well, I'm not asking you to expound**
17 **upon it. I'm asking you if what you read**
18 **refreshes your recollection about it?**

19 A. No, it doesn't.

20 **Q. I would like to refer you to the**
21 **second sentence where it says, "DM Jennifer**
22 **stated that she found multiple days in which**
23 **the deposits were not taken to the bank and**
24 **were just sitting in the store. We discussed**
25 **that it is a major violation of the safety and**

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2 I get into this section.

3 (Recess, 10:21 to 10:34 a.m.)

4 **Q. Ms. Pizarro, I would like to discuss**
5 **the conversation you had with Ms. Gurtov on**
6 **January 12th, 2011. Now, the first sentence**
7 **says, "Jennifer will fax me her statement when**
8 **the SM admitted to falsifying the books to hide**
9 **the fact that the SM was not taking the**
10 **deposits to the bank daily;" is that correct?**

11 A. Yes.

12 **Q. Why did you write that?**

13 A. I was capturing our conversation.

14 **Q. That is what Jen Gurtov told you she**
15 **would do?**

16 A. From what I can tell from this
17 statement. I don't recall the actual
18 conversation only based on this statement.

19 **Q. Does that statement refresh your**
20 **recollection of the conversation?**

21 A. It does not.

22 **Q. I would like you to read this entire**
23 **section under where it says, "Talked with DM**
24 **Jennifer," and tell me if that section**
25 **refreshes your recollection in any way about**

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2 **security policy in addition to the falsifying**
3 **of records which is a violation of the partner**
4 **guides policies." Do you see that?**

5 A. Yes.

6 **Q. Do you remember discussing that with**
7 **Jen Gurtov during this call?**

8 MR. GUHA: Objection.

9 A. I do not.

10 **Q. Next sentence says, "DM Jennifer**
11 **stated she also discovered on a regular basis**
12 **the store was short 300 to 400 dollars a month.**
13 **The SM was not conducting till audits and DM**
14 **stated it is suspicious where the money has**
15 **gone and was wondering if the books were being**
16 **manipulated to make up for lost amounts." Do**
17 **you see that?**

18 A. Yes.

19 **Q. Do you remember discussing that**
20 **issue with Ms. Gurtov during the telephone**
21 **call?**

22 MR. GUHA: Objection.

23 A. I do not.

24 **Q. The next sentence says, "DM Jennifer**
25 **will send me the entire file and her statement**

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of the conversation with SM Serenity." Do you remember the content of the conversation?

A. I do not.

Q. And then it says, "SM Serenity is commonly out on LOA. I advised that I will present to legal to determine if we can move forward with this while on LOA." Do you see that?

A. Yes.

Q. And do you understand what LOA stands for?

A. Yes.

Q. And is that leave of absence?

A. Yes.

Q. Do you remember discussing with Ms. Gurtov on the telephone call that Serenity Marshall was out on a leave of absence?

A. I do not recall that conversation.

Q. What was the next action you took with regard to Ms. Marshall's termination after the conversation you had with Ms. Gurtov on January 12th, 2011?

A. I do not recall.

Q. As you sit here today?

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A. Pardon?

Q. As you sit here today, you cannot recall the next action you took?

A. Correct.

Q. Can you remember any action you took after January 12th, 2011 with regard to Ms. Marshall's termination?

A. I would need to refer to my case notes. I don't physically recall.

Q. When you say your case notes, are you referring to the redacted portion of this document?

A. Correct.

Q. Do you remember if you ever spoke to counsel regarding Ms. Gurtov's separation consultation?

MR. GUHA: I will instruct the witness not to testify as to the substance of any of those conversations, although she can answer your question as to whether you actually spoke to counsel.

Q. Do you remember if you ever spoke with counsel regarding Ms. Marshall's separation?

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A. I do recall reaching out to counsel, yes.

Q. Do you remember the first date that you reached out to counsel?

MR. GUHA: Same instruction to the witness.

A. I do not recall the exact date. I would have to refer to my case notes.

Q. Do you recall if it was more than or less than a week after your conversation with Ms. Gurtov?

MR. GUHA: Same instruction to the witness.

A. I do not recall, I would have to again refer to my notes.

MR. GOTTLIEB: I'm going to call for production of unredacted portions of this document to be produced for an in camera review to determine whether redacted portions are properly privileged given that the witness cannot recall the dates on which she spoke to counsel.

MR. GUHA: I will take that under advisement and we can obviously discuss

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that later.

Q. Do you remember if during the conversation with Ms. Gurtov on January 12th, 2011 you made any recommendation regarding separation?

A. I can only refer to my notes here. I don't recall that conversation.

Q. And based on your notes, do you believe you recommended termination?

A. And did you say the 12th?

Q. Yes.

A. I cannot recall if my notes don't say it specifically, I would have continued discussing the matter.

Q. Do you remember if during that telephone call with Jen Gurtov you discussed any of Ms. Marshall's previous corrective actions?

A. I don't recall.

Q. Do you remember if during that conversation with Ms. Gurtov you discussed any of Serenity Marshall's previous performance issues?

A. I don't recall.

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2 MR. GOTTLIEB: Can the court
3 reporter please hand the witness what was
4 previously marked?
5 (Exhibit 2 marked.)

6 **Q. Ms. Pizarro, you have in front of**
7 **you what has been marked Pizarro 2, which I**
8 **will represent is Bates stamped 2128 and 2129,**
9 **two-page document. Are the Bates stamp numbers**
10 **cutoff on your end?**

11 MR. GUHA: We have them here.

12 MR. GOTTLIEB: You do, okay.

13 **Q. Have you ever seen this document**
14 **before?**

15 A. Yes.

16 **Q. When?**

17 A. I believe I reviewed this yesterday.

18 **Q. Okay.**

19 A. And probably before, during my case
20 -- or e-mail appears.

21 **Q. Well, your e-mail doesn't appear**
22 **anywhere here?**

23 A. I was going to say -- never mind, I
24 might have looked at this yesterday. I don't
25 know for sure.

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2 **Q. I would like to direct your**
3 **attention to the e-mail at the bottom of the**
4 **first page from Jennifer dated January 12th at**
5 **12:05 p.m. Do you see that?**

6 A. Yes.

7 **Q. And the substance of the e-mail says**
8 **the -- I will read the first two sentences.**
9 **"So I heard back from partner resources contact**
10 **center Tina Pizarro, a representative there,**
11 **supports separation of Serenity's employment**
12 **with Starbucks for her admitted falsification**
13 **of company documents. In this case the daily**
14 **record book as well for continuously not**
15 **depositing deposits into the bank daily." Do**
16 **you see that?**

17 A. Yes.

18 **Q. Does reading this e-mail refresh**
19 **your recollection as to the content of any**
20 **conversation you had with Ms. Gurtov on January**
21 **12th, 2011?**

22 A. No.

23 **Q. Can you say one way or the other**
24 **whether it was accurate that you supported**
25 **separation at that point?**

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2 A. I would have to refer to my case
3 notes. I don't know.

4 **Q. Other than from what your case notes**
5 **may say, does this refresh your recollection of**
6 **whether you supported separation during your**
7 **conversation with Ms. Gurtov on January 12th,**
8 **2011?**

9 A. I don't recall the specifics of that
10 conversation.

11 **Q. I would like to refer you to the**
12 **bottom of that e-mail which is on the second**
13 **page. And there is a paragraph that begins, "I**
14 **am sending Tina an e-mail stating specifically**
15 **the conversation I had with Serenity on her**
16 **development day, and I'm also faxing all past**
17 **corrective actions and performance reviews by**
18 **the end of this week. She is planning on**
19 **bringing this case to the legal department.**
20 **She thinks they will support Serenity's**
21 **separation immediately even though she has**
22 **initiated her LOA." Do you see that?**

23 A. Yes.

24 **Q. Does reading that refresh your**
25 **recollection in any way as to the conversation**

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2 **you had with Ms. Gurtov on January 12th, 2011?**

3 A. No.

4 **Q. And you see where it says she had**
5 **planning on bringing this case to the legal**
6 **department?**

7 A. Yes.

8 **Q. Do you remember saying that to Ms.**
9 **Gurtov?**

10 A. I do not recall physically saying it
11 to her, but I do see it in my prior case notes
12 that we just reviewed.

13 **Q. Okay. Do you remember feeling as**
14 **though you should call legal after you had a**
15 **conversation with Jen Gurtov?**

16 A. I don't recall feeling that way.
17 Again, I can only refer to my case notes that
18 indicate that.

19 **Q. Well, you did, in fact, speak to**
20 **legal after you had the conversation with Jen**
21 **Gurtov; correct?**

22 MR. GUHA: Again, instruct the
23 witness not to answer the question, but
24 exclude from any of her answers any of her
25 conversations with legal.

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2 A. That is correct. I reached -- from
3 the case notes, I reached out to legal.

4 **Q. So there is a reason that you called**
5 **legal after you talked to Ms. Gurtov; is that**
6 **correct?**

7 A. Correct.

8 **Q. What was the reason you wanted to**
9 **talk to legal?**

10 MR. GUHA: Again, just David, just
11 to be very careful here about the privilege
12 I would instruct the witness to exclude any
13 conversations she had with legal although
14 she can answer the question with respect to
15 what was in her own mind prior to
16 contacting legal.

17 **Q. Okay.**

18 A. So in matters of LOA, it is a
19 general practice of mine to reach out to our
20 legal team.

21 **Q. Anything else?**

22 A. Well, if it is relevant to this
23 case, not that I can recall.

24 **Q. Why do you intend to contact legal**
25 **where there is an issue involving a leave of**

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2 **absence?**

3 A. So matters that involve a partner
4 when it comes to a job protected status, I want
5 to ensure that I have the full knowledge and/or
6 guidance, support, recommendation whatever you
7 want to call it from our legal department on
8 our decisions.

9 **Q. Why is that?**

10 A. Part of my role is a risk mitigator
11 to the company. So to ensure we look at things
12 fully. And again, it is an LOA status is just
13 a protected status that, that I take to legal
14 on a general basis.

15 **Q. When you contact legal with regard**
16 **to discipline of an employee who has a**
17 **protected status, are you doing so for legal**
18 **advice or for something else?**

19 MR. GUHA: Objection.

20 A. Yes, I did not necessarily mention
21 protected status. I was contacting legal on a
22 general basis for LOA cases.

23 **Q. Okay. When you contact legal with**
24 **regard to cases involving a partner on a leave**
25 **of absence or who may take a leave of absence,**

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2 **are you contacting legal for legal advice or**
3 **for something else?**

4 MR. GUHA: Objection.

5 A. I would be contacting legal just to
6 have the case fully reviewed to again to ensure
7 that our thought processes and decisions are in
8 line with the company standards and practices.

9 **Q. Okay. Anything else?**

10 A. No.

11 **Q. When you contact legal, are you**
12 **calling them to make sure that the decisions**
13 **being made are -- strike that.**

14 **When you contact legal, are you**
15 **calling them for purposes of legal advice or to**
16 **make sure that you're following company**
17 **policies?**

18 MR. GUHA: Objection.

19 A. It would depend upon the case type
20 and what is involved in the case.

21 **Q. What about for Serenity Marshall?**

22 MR. GUHA: Again, you can answer
23 that question to the extent it excludes
24 from your answer any conversations you did
25 have with legal. But to the extent you are

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2 testifying only about your thought process,
3 I think that is appropriate.

4 A. So in this case, the thought process
5 would be the LOA status.

6 **Q. Right. But were you contacting**
7 **legal for the purpose of getting legal advice**
8 **or for the purpose of getting advice with**
9 **regard to following company policies and**
10 **business practices?**

11 MR. GUHA: Objection.

12 A. So any time I connect with legal, it
13 is for all of that. It is to either obtain
14 legal advice and/or to ensure I am adhering to
15 company policies, practices and standards.

16 **Q. Okay. But in this particular**
17 **circumstance with Serenity Marshall, was it for**
18 **legal advice, was it for ensuring compliance**
19 **with company policies or was it for something**
20 **else?**

21 MR. GUHA: Objection.

22 A. So those additional conversations
23 from my understanding are protected as to why
24 and that initial content at the present time of
25 that conversation.

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2 **Q. I'm not asking about the content of**
3 **the conversation. What I'm asking is why you**
4 **were calling legal?**

5 MR. GUHA: Objection.

6 **Q. So is the reason you were calling**
7 **legal because you wanted to ensure that you**
8 **were following company policies or were you**
9 **calling legal because you wanted legal advice**
10 **or were there other reasons why you were**
11 **calling?**

12 MR. GUHA: Objection.

13 A. As a best practice with my cases, I
14 connect with legal on most of the LOA cases.

15 **Q. Right. But what I'm trying to get**
16 **at is why you called legal on your LOA cases**
17 **and specifically why you called legal, why you**
18 **called legal with regard to Serenity Marshall?**

19 MR. GUHA: Objection, it has been
20 asked and answered.

21 **Q. So why did you call legal with**
22 **regard to Serenity Marshall?**

23 MR. GUHA: Objection.

24 A. As a best practice of my LOA cases
25 to connect with legal.

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2 pending right now?

3 **Q. Well, this has been a line of**
4 **questions based on an answer I'm not sure she**
5 **understands, I want to make sure she does. So**
6 **can the court reporter read back the last three**
7 **questions and answers?**

8 (Record read.)

9 **Q. Now, you testified that the reasons**
10 **you call legal with regard to LOA cases is for**
11 **legal guidance and to ensure compliance with**
12 **company policy; correct?**

13 A. In addition to the other reasons
14 stated. So as a best practice, you know, it is
15 to review all of that and as I've mentioned the
16 standard practices, guidance, thoughts. I mean
17 so many -- all of those reasons.

18 **Q. Okay. So it is fair to say that**
19 **there are a number of reasons why you call**
20 **legal with regard to LOA cases generally?**

21 MR. GUHA: Objection, go ahead and
22 answer the question.

23 A. And not to be repetitive and yes, it
24 is for guidance support, thoughts, you know and
25 policies, standards and adherence to those

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2 **Q. And what are the reasons why you**
3 **call legal as part of your best practices on**
4 **LOA cases?**

5 MR. GUHA: Objection, asked and
6 answered.

7 A. You can go ahead as a risk mitigator
8 for the company to ensure I am obtaining
9 appropriate legal guidance thought, support and
10 to adhere to standards, practices and policies.

11 **Q. And those are the reasons that you**
12 **-- strike that.**

13 **And those are the reasons you call**
14 **legal each time you call legal on an LOA case?**

15 MR. GUHA: Objection.

16 A. Yes. As LOA cases are reviewed as a
17 best practice, I will reach out to legal.

18 **Q. Okay. But that is not exactly what**
19 **I'm asking. And it is really important that**
20 **you understand the question that I'm asking,**
21 **because I would like this to be an efficient**
22 **deposition and I want to make sure the record**
23 **is clear. So I just want to make sure, do you**
24 **understand what I'm asking?**

25 MR. GUHA: Is there a question

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2 policies and standards.

3 **Q. Okay. So guidance, support, what**
4 **else?**

5 A. Advice --

6 MR. GUHA: Objection, asked and
7 answered. You can go ahead and answer the
8 question.

9 A. Advice and overall adherence to the
10 policies and standards of the company.

11 **Q. Okay. So your testimony is that**
12 **there are four reasons why you call legal on**
13 **LOA cases. Guidance is one, support is**
14 **another, advice is a third and adherence to**
15 **company standards is a fourth; is that correct?**

16 MR. GUHA: I will object that is a
17 mischaracterization of her testimony. You
18 actually had the court reporter read back
19 her testimony that was more expansive than
20 that. So I don't think this is an
21 appropriate way of questioning. You can go
22 ahead, but I don't -- but I am going to
23 state my objection to that.

24 **Q. Okay. Just so we're clear because**
25 **the, there have been a number of questions in**

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2 **this area that have -- that seem to have gone**
3 **around in circles to a degree. Other than --**

4 MR. GUHA: I object to that
5 characterization of the answers to the
6 questions, because I don't think they have
7 gone around in circles, but you can go
8 ahead.

9 **Q. Well, for the sake of clarity, other**
10 **than guidance, support, advice and adherence to**
11 **company standards, is there any other reason**
12 **that you generally call legal on LOA cases?**

13 MR. GUHA: Objection, asked and
14 answered numerous times.

15 A. It is just a best practice to
16 contact legal for the reasons that I've
17 mentioned.

18 **Q. But I'm asking are there any reasons**
19 **other than the four I just mentioned?**

20 MR. GUHA: Objection, asked and
21 answered. And from the question you had,
22 the question and answer you had the court
23 reporter read back you know that there
24 are --

25 MR. GOTTLIEB: I would like her to
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2 list them.

3 MR. GUHA: She already has.

4 MR. GOTTLIEB: But then she limited
5 them in a subsequent answer. I want to
6 make sure that everybody is clear,
7 clarification on why she generally calls
8 legal on LOA cases.

9 MR. GUHA: I just want to make sure
10 my objection is clear. You limited, by
11 mischaracterizing her testimony in your
12 question what you listed what you believe
13 what you identified as quote, unquote, the
14 four reasons were. I think from the
15 questions and answers you received earlier
16 that is clearly not the case, but you can
17 go ahead and ask the question.

18 MR. GOTTLIEB: I obviously disagree
19 with that characterization, but the record
20 and your objection is on the record.

21 **Q. Other than guidance, support,**
22 **advice, and adherence to company standards, are**
23 **there any other reasons you generally call**
24 **legal on LOA cases?**

25 MR. GUHA: I will object. You can
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2 answer the question.

3 A. As a best practice, I call LOA. I
4 call legal on LOA cases for the reasons you
5 have mentioned, ones I've mentioned already. I
6 think what else I've mentioned is legal advice,
7 thoughts, support, I've used several words that
8 describe that adherence to overall company
9 policies and standards and just overall review
10 as a risk mitigator approach for the company.

11 MR. GOTTLIEB: Can I have the court
12 reporter read that answer back?

13 (Record read.)

14 **Q. Anything else?**

15 A. No.

16 **Q. Now, specifically with regard to**
17 **when you called legal for Serenity Marshall,**
18 **was part of the reason you called legal for**
19 **overall review as a risk mitigator approach?**

20 A. I called based on my best practice
21 on LOA cases.

22 **Q. But was that one of the reasons?**

23 A. I don't recall.

24 **Q. Do you recall whether one of the**
25 **reasons you called was adherence to company**

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2 **standards?**

3 A. I don't recall.

4 **Q. Do you recall whether one of the**
5 **reasons you called was for guidance?**

6 A. I don't recall.

7 **Q. Do you recall whether one of the**
8 **reasons you called was for support?**

9 A. I don't recall.

10 **Q. Do you recall whether one of the**
11 **reasons you called was for legal advice?**

12 A. I don't recall.

13 **Q. Do you recall whether the reason you**
14 **contacted legal at any point regarding Serenity**
15 **Marshall was for legal advice?**

16 A. I don't recall thinking the nature
17 of why I wanted to talk to legal. It was
18 really for me about a best practice that I do
19 on --

20 **Q. I'm sorry, did I interrupt you?**

21 A. No, I just said on LOA cases.

22 **Q. Is there any company policy**
23 **regarding best practices with regard to**
24 **contacting legal?**

25 A. There is no policies, no.

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2 **Q. Why isn't it your understanding**
3 **contacting legal is the best practice on LOA**
4 **cases?**

5 A. It is my best practice that I like
6 to do. And I will consult with legal not only
7 on LOA cases or just other cases as our
8 internal resource available to us. So it is
9 just a best practice that I have on LOA cases
10 to connect with legal.

11 **Q. What other cases do you generally**
12 **call legal on?**

13 A. I wouldn't be able to speak to that
14 without having the cases in front of me.

15 **Q. Well, LOA is one category of case or**
16 **-- strike that.**

17 A case that involves an LOA is one
18 category of case where you generally contact
19 legal; is that correct?

20 A. Yes.

21 **Q. Are there any other categories of**
22 **cases that you generally contact legal as a**
23 **result of?**

24 A. It is hard to describe. There is so
25 many cases that have unique elements and
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2 matters combined into them, so I can't think of
3 necessarily another bucket that I would always
4 contact legal on.

5 **Q. So is it fair to say the only**
6 **category of cases that you generally call legal**
7 **for LOA cases?**

8 MR. GUHA: Objection.

9 A. Yes. If I -- I don't know if I can
10 say that I have a general practice on other
11 cases. I think there are so many cases that I
12 do reach out to legal and so many unique
13 elements to the cases. And LOA is one that I
14 know of of connecting with legal.

15 MR. GOTTLIEB: Can the court
16 reporter hand Ms. Pizarro the exhibit that
17 has been marked Exhibit 3?
18 (Exhibit 3 marked.)

19 **Q. I'm sorry, you can put 3 aside. I'm**
20 **not sure we're going to be using that at all.**

21 MR. GOTTLIEB: Would you hand Ms.
22 Pizarro Exhibit 8?
23 (Exhibit 8 marked.)

24 **Q. You have been handed what has been**
25 **marked Pizarro 3. Can you see the Bates**
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2 **numbers on these documents?**

3 MR. GUHA: On this document, just to
4 help with identification, it is an e-mail
5 from Jen Gurtov sent Thursday, January 13,
6 2011 at 6:45 p.m. to Tina Pizarro and CCed
7 is Nancy Murgalo, Victor Heutz, Jen Gurtov
8 and the subject is Serenity Marshall.

9 MR. GOTTLIEB: That's correct. And
10 just for the record these documents were
11 produced as Bates stamped 1614 through
12 1621.

13 **Q. Ms. Pizarro, do you recognize this**
14 **document?**

15 MR. GUHA: Can you just give me a
16 second? I will just count the pages to
17 make sure we're okay.

18 MR. GOTTLIEB: Sure. Should be
19 eight pages.

20 MR. GUHA: We have eight pages,
21 that's right.

22 **Q. Okay. Ms. Pizarro, please review**
23 **this document and let me know when you are done**
24 **reviewing. Tell me if you recognize it?**

25 A. So it looks familiar based upon the
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2 documentation that I quickly reviewed
3 yesterday.

4 **Q. Do you remember receiving this**
5 **e-mail from Jen Gurtov on January 13th, 2011?**

6 A. I do not.

7 **Q. Do you know why Ms. Gurtov wrote you**
8 **this e-mail?**

9 A. I wouldn't be able to speculate as
10 to her reasons as to why she wrote it.

11 **Q. Do you know why she wrote it though?**
12 **Did she ever tell you, for instance?**

13 A. Not that I can recall.

14 **Q. Do you remember if you ever reviewed**
15 **this e-mail and the attachments before making**
16 **any recommendation to Ms. Gurtov regarding**
17 **termination?**

18 A. I don't recall.

19 **Q. As you sit here today, do you ever**
20 **remember making a recommendation to Ms. Gurtov**
21 **regarding termination?**

22 A. I don't recall the actual
23 conversation. I just recall -- or I can only
24 see my case notes.

25 **Q. And you are referring to the voice**

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mail?

A. And the additional case notes that after the voice mail where it looks like we discussed it further.

Q. Other than what it says in the case notes on January 10th, 2011 to January 12th, 2011, are you aware of whether you ever communicated with Jen Gurtov with regard to a recommendation on termination?

A. I don't recall actually having the conversation. I would refer to, to my notes.

Q. Do you remember if you ever did recommend termination?

A. I would have to refer to my case notes.

Q. Do you remember when the decision to terminate Serenity Marshall took place?

A. I do not.

Q. Do you know if it occurred before or after January 12th, 2011?

A. I do not.

Q. Do you know if it occurred after January 13th, 2011?

A. I don't recall.

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Q. Does Pizarro 8, the document you have in front of you does that indicate to you whether the decision to terminate Ms. Marshall took place before or after January 13th?

A. So can you repeat the question, make sure I understand.

Q. The question is whether the document in front of you, Pizarro 8 indicates to you whether the decision to terminate Ms. Marshall occurred before or after January 13th?

A. So based upon the documentation here and in the initial case call in from DM Jen Gurtov, she was looking for separation. So this does not indicate at what point or what conversations I have had.

Q. Do you remember if you ever reviewed any documents in connection with Serenity Marshall's case?

A. I do not recall.

Q. Do you remember if you ever reviewed any corrective actions?

A. I do not recall.

Q. Do you remember if you ever reviewed any coaching memos?

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A. I do not recall.

Q. Do you remember whether you reviewed any performance reviews?

A. I do not recall.

Q. Now, looking at Pizarro 8, that was the e-mail from Jen Gurtov to you; correct?

A. Yes.

Q. Do you remember if you ever responded to that e-mail?

A. I don't recall.

MR. GOTTLIEB: Can the court reporter pass Ms. Pizarro what was previously marked Pizarro 3?
(Exhibit 3 marked.)

Q. Now, Ms. Pizarro, do you see at the top of that document there is an e-mail redacted from you to Jen Gurtov dated January 18th, 2011?

A. Yes.

Q. Do you remember writing that e-mail to Ms. Gurtov?

A. I do not.

Q. Do you remember why you wrote an e-mail to Ms. Gurtov five days after she wrote

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one to you?

A. I do not.

MR. GOTTLIEB: I will call for production of this e-mail unredacted.

MR. GUHA: We will take it under advisement.

MR. GOTTLIEB: Would you hand Ms. Pizarro Exhibit 4?
(Exhibit 4 marked.)

Q. And is there a Bates stamp on there?

MR. GUHA: There is 1767.

MR. GOTTLIEB: Yes, correct, okay.

Q. Now, Ms. Pizarro, do you recognize this document?

A. I recognize it that it is written from me, but I don't recall it.

Q. Okay. Do you see where there is, it says it is an e-mail from you to Shelly Ranus on 12/5/2011; correct?

A. Correct.

Q. And towards the bottom of the header area it is a, there is attachments; correct?

A. I don't see the word attachments.
Oh, yes.

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Q. Do you see where it says attachments?

A. Yes.

Q. And the document attached is titled, "Issue with SM Serenity Marshall and number 1088330 store 11649, New York/attorney-client privilege;" correct?

A. Correct.

Q. Do you know what document that is?

A. No.

Q. Okay. Do you know if you typed, came up with the title to that document or is that something generated through the computer system?

A. Yes, that would have been something I typed.

Q. How do you know that?

A. Just because our computer system doesn't have cases marked that way. Typically when I send a case to legal I will put it in this type of format.

Q. Okay. So is it fair to say when you send in attachments to legal you include the term attorney-client privilege as part of the

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title?

A. Yes.

Q. Why do you do that?

A. As requested by our legal team on any communication.

Q. Any other reason?

A. I wouldn't be able to speak to that, I don't know. Just as requested by our legal team.

Q. There is no reason you do that other than because it is requested by the legal team?

A. Correct.

MR. GUHA: And I'm going to -- I guess I could have anticipated this. I will instruct the witness not to share communications from the legal team to her. And obviously her response a moment ago is not a waiver in any way, shape or form.

Q. Do you know who Charis Liu is?

A. I do not.

Q. Do you recall being involved in the separation of an employee from Starbucks named Charis Liu?

A. I do not.

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Q. How many employees are you involved in separating from Starbucks would you estimate during the course of a calendar year?

A. I would not be able to guess on that or speculate. As I mentioned, I work at least 500 cases each quarter, so of all case types.

Q. Well, if you are working 500 cases a quarter, is it fair to say that you are involved in less than 1,000 separations per year?

A. I honestly I cannot speculate. If I did, it would be just a guess. There is so many case types and at any given time the types of cases can change. So we could be high in what is called separation consultations or we could be higher in other case types, and it is not something I mentally track.

MR. GOTTLIEB: I'm going to take a short break. I don't have too much longer, so I think just a few minute break.

(Recess, 11:21 to 11:29 a.m.)

Q. Ms. Pizarro, can you remember any conversations you had with Jen Gurtov other than what we have already discussed today?

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A. Yes.

Q. Strike that. Can you remember any conversations you had with Jen Gurtov regarding Serenity Marshall other than what you have already testified to today?

A. Yes.

Q. And how many?

A. I remember one.

Q. When was that conversation?

A. I don't recall the day.

Q. Can you recall approximately when it was?

A. It was around this case time so January, February'ish. I don't recall the specific day.

Q. Do you remember if the conversation was in-person or over the phone or something else?

A. Over the phone.

Q. Do you remember how long the conversation lasted?

A. No, I do not.

Q. Do you remember if you called Ms. Gurtov or she called you?

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2 A. I don't recall.

3 **Q. Do you remember the -- do you**
4 **remember anything that was discussed during the**
5 **phone call?**

6 A. Yes.

7 **Q. What was discussed?**

8 A. We discussed the separation of Ms.
9 Marshall upon her return of leave of absence.

10 **Q. And what about that did you discuss?**

11 A. From what I recall, I informed Jen
12 to have the conversation with the partner on
13 the day back. And I recall we discussed having
14 another partner there as a support witness.
15 And discussed to recapture what, what had
16 transpired previously.

17 **Q. Anything else?**

18 A. It would have included to follow-up
19 with me, too, at the end. And I recall also
20 just having a general conversation with her
21 about the conversation with Serenity and just
22 recapturing what had taken place and then
23 moving forward with separation.

24 **Q. Do you recall whether during that**
25 **conversation a final decision to terminate had**

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2 far as additional documentation. But what I
3 recall of that conversation I don't know if I
4 discussed that at that time or not, but many
5 pieces go into those decisions.

6 **Q. Did you engage in any investigation**
7 **before supporting Ms. Gurtov's decision to**
8 **terminate Ms. Marshall?**

9 A. I cannot recall. I would have to
10 refer to my case notes.

11 **Q. Please review your case notes and**
12 **let me know if you engaged in any investigation**
13 **before supporting Ms. Gurtov's decision to**
14 **terminate Ms. Marshall.**

15 A. Well, the case notes that we have
16 reviewed do demonstrate that I supported that
17 based upon the misconduct, but I don't
18 necessarily recall those actual conversations
19 or e-mails going back and forth.

20 **Q. My question is other than the**
21 **conversations you had with Ms. Gurtov, did you**
22 **engage in any other actions, investigation or**
23 **otherwise before making the decision to support**
24 **terminating Ms. Marshall?**

25 A. I don't recall.

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2 **already been made?**

3 A. Yes. I mean that was the basis of
4 the conversation is that we had come to that
5 decision to make a separation decision.

6 **Q. When you say, "we had come to that**
7 **decision," who are you referring to as "we"?**

8 A. Jen and I.

9 **Q. So is it fair to say you were**
10 **involved in the decision to terminate?**

11 A. I provided Jen that I supported her
12 decision to separate.

13 **Q. Why did you support her decision to**
14 **separate?**

15 A. Based upon the elements of the case
16 and the, the misconduct and --

17 **Q. Okay. And that was as reported to**
18 **you by Ms. Gurtov; correct?**

19 A. Correct.

20 **Q. Did you have any other basis for**
21 **supporting termination other than the**
22 **information that was provided to you by Ms.**
23 **Gurtov?**

24 A. So based on my case notes, I would
25 have evaluated the other pieces of the case as

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2 **Q. Is there anything that would refresh**
3 **your recollection?**

4 A. Not that I can think of. I mean
5 we've reviewed the case so far so it would have
6 been part of the process to review the
7 information.

8 **Q. Well, looking at -- if you could,**
9 **well, look at Pizarro 1 which was your case**
10 **notes, do you have that with you?**

11 A. Yes.

12 **Q. Do you think an unredacted version**
13 **of this might help refresh your recollection as**
14 **to whether you conducted any investigation with**
15 **regard to Ms. Marshall's termination?**

16 MR. GUHA: Objection.

17 A. I would not have supported
18 separation without feeling comfortable with the
19 facts and documentation and information that
20 was presented to me.

21 MR. GOTTLIEB: Would you read back
22 the answer?

23 (Record read.)

24 **Q. So my question was do you think an**
25 **unredacted version of Pizarro 1 would help**

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refresh your recollection as to any actions you took, any investigation you took before agreeing to support Ms. Gurtov's termination of Ms. Marshall?

MR. GUHA: Objection.

A. My memory as of today is I recall that conversation with Jen that we just discussed. And other pieces whether they're e-mails or case notes or what have you would not strike any sort of memory. This is many, many cases ago. All I do is that in each case it is handled, you know, in the same manner that is reviewed the DM will review, I will review. So no, it would not necessarily strike, it would not strike any additional memories.

Q. You know that without even looking at the documents?

A. I know that based upon our conversation today that in reviewing and thinking about this case what I do recall is the conversation that I had with Jen.

Q. Right. So is it your testimony that because other documents were unable to refresh

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your recollection you don't think these, these unredacted portions would help refresh your recollection; is that correct?

A. What I've already reviewed is that I've made the decision to separate before the redacted versions. And that is, the additional pieces would be additional pieces to the file of what was investigated and reviewed. So no, I do not believe they would refresh my memory of reviewing a document or what I did next. That is a standard administrative process that I do 100 times a week.

Q. Now, when you said from reading your case notes the decision to terminate, you agree with the decision to terminate before these unredacted sections; is that correct?

A. I don't know when I made that decision. I'm just saying that the decision here is that I supported it and understood it, but wanted to review further which would have meant reviewing additional documentations, files, and ensuring that there was sufficient pieces to the case.

Q. And do you think some of that

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information is contained in the entries that were redacted?

MR. GUHA: Objection, you can answer the question.

A. Right. I'm trying to make sure I understand the question. So essentially the only additional information would be the pieces of documentation that Jen sent. So again, as a normal part of my review process, that is just part of the case.

Q. If you look at page 1624 which is the second page of Pizarro 1, okay, the entire page redacted other than where it says, "entered by Tina Pizarro," on various dates; correct?

A. Correct.

Q. And so those redacted portions reflect entries you made into the, into the AIM. It is the AIM system?

A. Yes.

Q. So these, this looks like the entries you made into the AIM system with regard to Serenity Marshall's case; right?

A. Correct.

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Q. And those would constitute actions and investigations that you took with regard to the decision to terminate her; is that correct?

MR. GUHA: Objection.

A. It would have included any updates that I had to the case or just moving along on the case and whatever that is.

Q. After speaking with Jen Gurtov and her providing you with an e-mail and documents on January 13th, do you know if you ever made a final determination as to whether termination was appropriate?

A. I recall having the conversation with Jen that after reviewing everything I would support her decision of moving forward with separation. And that would occur upon her return from leave. I don't recall.

Q. Do you indicate where that conversation took place from this AIM report?

MR. GUHA: Objection.

A. I don't recall the dates in which I spoke to Jen.

Q. Is it possible one of those conversations is indicated in a redacted

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portion?

MR. GUHA: Objection.

A. So as part of our case, we capture the contents of the case and update the case and close it.

Q. I'm sorry?

A. So to answer --

Q. Let me ask it again. I want to make sure you understand. It is possible that any conversation you had with Jen Gurtov where you communicated that after reviewing the file that you agreed with separation that that could be retained in any of the redacted portions of this document?

MR. GUHA: Objection, I will -- while I normally refrain from speaking objections make one request, David. I think you are asking the witness to speculate as to redacted materials. I don't think that is appropriate. I'm not going to prevent her from answering the question. And again, like I said, I normally refrain from speaking objections but I do think there is a danger here of

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or is not contained in the redacted section; is that correct?

MR. GUHA: Objection.

A. Yes, I would be speculating.

MR. GOTTLIEB: Can the court reporter hand the witness Exhibit 7? (Exhibit 7 marked.)

Q. And I assume these documents you can see the Bates stamp; correct?

MR. GUHA: Yes, we can. It starts with 2064 and goes to 2069; is that correct?

MR. GOTTLIEB: 2064 to 2069, correct.

MR. GUHA: Yes, that is what we have.

Q. Okay. Ms. Pizarro, can you review this document and tell us if you recognize it?

A. I don't recall it.

Q. Okay. Does this document refresh your recollection as to your involvement in any disciplinary action with regard to an employee named Charis Liu?

A. No, it doesn't.

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confusing the witness with your question.

Q. Let me ask the witness, then, if she understands my question?

A. Yes. And I was actually just thinking the same thing. That it would be speculation. Again, I have so many cases I can't recall what I would have input or not input.

Q. Well, do you think that might be contained within one of the redacted sections?

MR. GUHA: Objection.

A. Again, I don't know. It would be speculation.

Q. Can you say with certainty that notes regarding a conversation where you, where you gave Jen Gurtov your recommendation for termination is not in a redacted section?

MR. GUHA: Objection.

A. Yes, I can't speculate as to how I would have updated the case.

Q. So you can't say whether notes regarding a conversation with Jen Gurtov after you reviewed documents and gave a final recommendation regarding termination either is

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MR. GOTTLIEB: I have no further questions.

MR. GUHA: None here.

(Deposition adjourned at 11:46 a.m.)

TINA PIZARRO

Subscribed and sworn to before me
this ____ day of _____ 2012,

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1 PIZARRO
2 C E R T I F I C A T E
3

4 I, SUSAN S. KLINGER, a certified shorthand
5 reporter within and for the States of Texas and
6 California, do hereby certify:

7 That TINA PIZARRO, the witness whose
8 deposition is hereinbefore set forth, was duly
9 sworn by me and that such deposition is a true
10 record of the testimony given by such witness.

11 I further certify that I am not related to
12 any of the parties to this action by blood or
13 marriage; and that I am in no way interested in
14 the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 24th of January, 2012.

17 _____
18 Susan S. Klinger,
19 RMR-CRR, CSR
20 Texas CSR# 6531
21 California CSR # 13084
22
23
24
25

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1 PIZARRO
2 I N D E X
3

4 WITNESS PAGE
5
6 TINA PIZARRO
7
8 EXAMINATION BY MR. GOTTLIEB 4
9

10 E X H I B I T S
11

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| Exhibit 7 | 79 | E-mail, 5/26/2011 STAR_MARSHALL 2064 |
| Exhibit 8 | 100 | E-mail, 1/13/2011 STAR_MARSHALL 1614 |

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2 ERRATA SHEET FOR THE TRANSCRIPT OF:

3 Case Name: Serenity Marshall vs. Starbucks

4 Dep. Date: January 11, 2012

5 Deponent: Tina Pizarro

6 Pg. Ln. Now Reads Should Read Reason

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19 _____
20 Signature of Deponent

21 SUBSCRIBED AND SWORN BEFORE ME

22 THIS ___ DAY OF _____, 2012.
23
24

25 (Notary Public) MY COMMISSION EXPIRES: _____

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PSS Case 9001166

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PSS Case Information

| | |
|----------------|---|
| ID | 9001166 |
| Description | DM: Separation consultation - Attorney client privilege |
| Assigned To | TPizarro |
| Categorization | PRSC General HR Questions/Policy - > Separation Consultation |
| Status | Closed |
| Priority | High - B |
| Activity | |
| Keyword | |
| Recall | |
| Reminder | <input type="checkbox"/> |

Details

| | |
|------------------------|---------------------------|
| *Off Cycle Payment | No |
| *Payroll Area | NY (NY,CT,RI,PASQUA (NY)) |
| *State / Province | New York |
| *Type of Action | Action Request |
| Due Date | 01/10/2011 |
| *Store / Cost Center # | 11649 |

Resolution Codes

| | |
|--------------|-----------|
| Resolution 1 | Completed |
|--------------|-----------|

Customer Information

| | |
|----------|-------------------|
| ID | 1088330 |
| Customer | Serenity Marshall |

Contact Information

Contact: Jennifer Anne Gurtov
Partner #: 282805
Store #: 390830
Phone:
Fax:
Company:
Title:
Dept:
Email:
Address:

Notes

**** Entered By: Tina Pizarro @ 03/02/2011 04:46 PM ****

Redacted



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Redacted

***** Entered By: Tina Pizarro @ 02/21/2011 10:49 AM *****

Redacted

***** Entered By: Tina Pizarro @ 02/16/2011 03:47 PM *****

Redacted

***** Entered By: Tina Pizarro @ 02/15/2011 12:39 PM *****

Redacted

***** Entered By: Tina Pizarro @ 02/08/2011 09:51 AM *****

Redacted

***** Entered By: Tina Pizarro @ 01/25/2011 09:15 AM *****

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Redacted

***** Entered By: Tina Pizarro @ 01/14/2011 07:31 PM *****

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***** Entered By: Tina Pizarro @ 01/12/2011 11:02 AM *****

Talked with DM Jennifer

Jennifer will fax me her statement when the SM admitted to falsifying the books to hide the fact that the SM was not taking the deposits to the bank on a daily basis. DM Jennifer stated that she found multiple days in which the deposits were not taken to the bank and were just sitting in the store--we discussed that is a major violation of the safety and security policy, in addition to the falsifying of records which is a violation of the partner guide policies. DM Jennifer stated that she also discovered that on a regular basis the store was short \$300-\$400 per month, the SM was not conducting till audits and the DM stated it is suspicious where the money has gone and was wondering if the books were being manipulated to make up for the lost amounts. DM Jennifer will send me the entire file and her statement of the conversation with SM Serenity.

SM Serenity is currently out on LOA, I advised I will present to legal to determine if we can move forward with separation while on LOA

***** Entered By: Tina Pizarro @ 01/10/2011 12:37 PM *****

LVM for Jennifer

on vm, I let Jennifer know that it appears the SM violated our policy under section 11 of the partner guide and has a case of serious misconduct that can result in immediate termination, "falsification or misrepresentation of any company document", I asked Jennifer to let me know if any money was missing and any other details that weren't captured here, I let her know from the notes it appears the SM does admit to the situation and I agree with the consequence of separation, but would like to discuss further and provided number.

***** Entered By: Stephen Somers @ 01/06/2011 10:51 AM *****

Caller Name: Jennifer Anne Gurtov

Phone Number: 917-975-1331

SSN Verified (Y/N): yes

Caller Position: DM

SM wants separation consultation for SM issues for cash handling issues

1. DM came in for store tour/eval on 12/22
2. DM noted that deposit records for 12/21 deposit were falsified
3. DM stated paperwork filled out stating deposit was given to bank, but there was no receipt from bank confirming deposit
4. DM found several deposits in safe that have not been deposited with bank
5. SM stated reason for falsifying deposit information is they were having trouble getting time off floor to complete deposit before bank closed, so they would complete the deposit information showing deposit was made even though deposit was not brought to the bank, SM stated they did not want to get in trouble for not making deposits daily

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6. DM stated had recently separated another SM for same reason and had another SM having same issues of making sure bank deposits are done daily. Stated recently reset district expectations to ensure deposits are done daily

7. past history with SM over 2 1/2 years, performance has never been consistent (between very poor to very good performance)

8. CA history

02/18/09 - not creating a great working environment, not meeting cleanliness standards, not providing clear direction to team

03/15/10 - for same reasons - not creating a great working environment, not meeting cleanliness standards, not providing clear direction to team

no CA - but coaching conversation around 2009 near prior to 02//18/2009 CA
for not managing team from cash handling perspective, not evaluating daily records book and coaching team in a timely manner

9.
recent performance review - issues under lead courageously
not consistently decision making
not meeting cleanliness standards
not holding team accountable

10. DM seeking separation consultation, stated has documents of CA and performance reviews if needs to send in additional documentation

0-2 bd tat

FW: Serenity Marshall

From: Jen Gurtov </O=STARBUCKS/OU=SSC/CN=RECIPIENTS/CN=JGURTOV>
To: Victor Heutz
Subject: FW: Serenity Marshall
Sent: 1/12/2011 5:54:08 PM +00:00

I recapped below the information I received from the partner resources support center. Nancy agrees.

I will copy you on all information I send to Tina by the end of this week.

Thanks-

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331

From: Nancy Murgalo
Sent: Wednesday, January 12, 2011 12:11 PM
To: Jen Gurtov
Subject: RE: Serenity Marshall

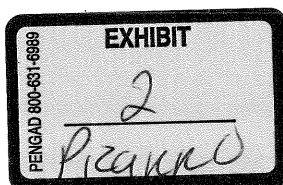
Hi Jen – I concur with Tina and, with the support of legal, I would agree with separation. It's consistent with what we have done in the past.

Nancy

From: Jen Gurtov
Sent: Wednesday, January 12, 2011 12:05 PM
To: Nancy Murgalo
Subject: Serenity Marshall

Hi Nancy-

So I heard back from Partner Resources Contact Center. Tina Pizarro, a representative there, supports separation of Serenity's employment with Starbucks for her admitted falsification of company documents(in this case the Daily Records Book) as well for continuously not depositing deposits into the bank daily. For the first point, Serenity admitted to filling out



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the Daily Records Book to show that a deposit was completed in the store and brought to the bank, when in truth the money had not been counted yet, all drop bags were still in the safe. Serenity also admitted to several times in the month of November holding onto several deposits in the store(not making deposits to the bank daily) and bringing up to 3 deposits to the bank at a time. Serenity knew these actions were against Starbucks cash handling policies, but said she made these decisions because she wasn't able to get off of the floor to complete deposits.

I am sending Tina an email stating specifically the conversation I had with Serenity on her development day and am also faxing all past corrective actions and performance reviews by the end of this week. She is planning on bringing this case to the legal department, she thinks they will support Serenity's separation immediately even though she has initiated her LOA.

Nancy, I just wanted to grab your thoughts on the above as well as your recommendation so I can share with Victor.

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331

SourceLastModifiedTime: 7/18/2011 4:25:31 PM +00:00

This HTML was generated by AccessData using data parsed from "jgurtov.pst".
Please refer to that file for the original evidence.

Jen Gurtov

From: Tina Pizarro
Sent: Tuesday, January 18, 2011 10:20 AM
To: Jen Gurtov
Subject: RE: Serenity Marshall

Redacted

Regards,
Tina Pizarro, PHR
 partner relations associate. PRSC
 Starbucks Coffee Company
 817-431-8838

From: Jen Gurtov
Sent: Thursday, January 13, 2011 5:45 PM
To: Tina Pizarro
Cc: Nancy Murgalo; Victor Heutz; Jen Gurtov
Subject: Serenity Marshall

Hi Tina,

On December 22nd, 2010, I had spent a development day with Serenity Marshall, SM of store 11649. In reviewing her Daily Record's Book, I began to notice many discrepancies. The dates of the bank statements did not match the dates the deposits were completed. I asked Serenity why there were so many discrepancies and she said she was not able to complete the deposit daily. I asked her what Starbucks's policy was in reference to bringing deposits to the bank and she stated that it was policy to process deposits daily and bring them to the bank daily. I asked her why she had broken policy and she said she was not able to make it off of the floor daily to process the deposits.

I then began looking at the deposit that was supposed to be completed the day prior on 12/21. The deposit section was filled in by Serenity, she had signed off that she had brought the deposit to the bank, however there was not a printed bank slip attached. I asked her where the receipt was. She said she must have misplaced it and began going through a pile of slips looking for it. I asked her if she was sure she brought that deposit to the bank and she said yes. I then said, well then let's go to the bank to retrieve the slip. She paused and then said that she had lied and did not bring the deposit to the bank, she had not even yet processed it. I asked her why she lied and falsified the information in the Daily Record's Book and she said she was nervous she would get in trouble for not processing the deposit the day prior. The deposit bags for that deposit were still in the safe.

I then asked to see her log for the month of November. This log was in worse condition than December's. She had not even filled out the deposit section daily. There were also numerous occasions in which she did not even fill out safe counts. She has also been falsely documenting the deposit section in the Daily Record's Book on many occasions. She has filled in that her shift supervisors had brought the deposit to the bank on certain days when in truth she herself had brought the deposit to the bank the day after.

I have her November cash log for review with numerous instances of this behavior of falsifying documentation.

I would like to proceed with separating Serenity's employment with Starbucks for her admitted falsification of company documents(in this case the Daily Records Book) as well for continuously not depositing deposits into the bank daily.

3/1/2011



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I am attaching prior corrective actions as well as Serenity's FY '10 Performance Review which highlights continued areas of focus in the Q4 competency section.

Please let me know if you need any other information or any of the attached documents faxed.

Thanks so much for your help,

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331

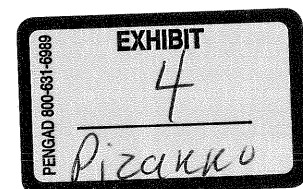
3/1/2011

STAR_MARSHALL0001566

From: Tina Pizarro </O=STARBUCKS/OU=SSC/CN=RECIPIENTS/CN=TPIZARRO>
Sent: 1/25/2011 10:14:45 AM
To: Shelly Ranus <srarus@starbucks.com>
Subject: SM Serenity Marshall
Location: Please call me at 817-431-8838
Start: Tue 1/25/2011 2:30:00 PM
End: Tue 1/25/2011 3:00:00 PM
Recurrence: (none)
Meeting Status: Meeting organized

Required Attendees: Tina Pizarro; Shelly Ranus
Attachments: Issue with SM Serenity Marshall #1088330, store 11649 NY / Attorney client privilege

Hi Shelly,
I wanted to connect with you regarding SM Serenity Marshall. I hope this time is convenient for you.
Thank you.



STAR_MARSHALL0001767

RE: PRSC Case 9105586

From: Tina Pizarro </O=STARBUCKS/OU=SSC/CN=RECIPIENTS/CN=TPIZARRO>
To: Jen Gurtov
CC: Nancy Murgalo; Victor Heutz
Subject: RE: PRSC Case 9105586
Sent: 5/26/2011 6:59:19 PM +00:00

Thank you Jen. I attempted to call you, but missed you.

Based on everything I have read and understand, I also support separation.

Please let me know if you would like to discuss further, otherwise, please feel free to proceed accordingly.

Thanks

Regards,

Tina Pizarro, PHR

partner relations associate, PRSC

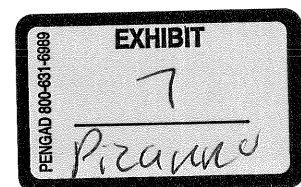
Starbucks Coffee Company

Phone: 817-431-8838 / Fax: 206-903-4067

From: Jen Gurtov
Sent: Thursday, May 26, 2011 11:18 AM
To: Tina Pizarro
Cc: Nancy Murgalo; Victor Heutz
Subject: RE: PRSC Case 9105586

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STAR_MARSHALL0002064



Hi Tina,

Yes, the 30 Day feedback was presented. Charis said she felt overwhelmed with the job and feels she has 'hit capacity'.

Based on that as well as that since the 30 day check in, there has continued to be no improvement, both Nancy and Victor support separation.

Thanks,

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331

From: Tina Pizarro
Sent: Thursday, May 26, 2011 10:11 AM
To: Jen Gurtov
Subject: RE: PRSC Case 9105586

Hi Jen,

Thank you for checking, I apologize on the delay. I have read through the documentation, thank you for having such great details and specifics.

Was the 30-day feedback provided to SM, and if yes, what was her response?

Are Nancy and Victor supportive of separation?

Thanks

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STAR_MARSHALL0002065

Regards,

Tina Pizarro, PHR

partner relations associate, PRSC

Starbucks Coffee Company

Phone: 817-431-8838 / Fax: 206-903-4067

From: Jen Gurtov
Sent: Wednesday, May 25, 2011 7:37 PM
To: Tina Pizarro
Subject: FW: PRSC Case 9105586

Hi Tina,

Just wanted to check in...do you have any recommendation on this case?

Thanks,

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331

From: Jen Gurtov
Sent: Monday, May 23, 2011 11:00 AM
To: Tina Pizarro
Cc: Nancy Murgalo; Victor Heutz
Subject: RE: PRSC Case 9105586

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STAR_MARSHALL0002066

Hi Tina,

I just faxed all information requested and would like to confirm you received the following:

- 1/18: Verbal CA for QASA standards and Leadership
- 7/30: Written CA for QASA standards and Leadership
- 9/29: Written CA for violation of Cash Handling Procedures
- FY '10 Performance Review: Low ME, Ineffective in Leads Courageously, Develops Continuously and Achieves Results
 - At that time spoke of changes in performance she needed to make through Q1
 - At end of Q1 Assessment, she was trending in a negative direction, led to PIP
- PIP: Delivered 4/11/11
- FY '11 Midyear Review: noted continued must improve behaviors in competencies

I have also attached notes from 30-Day Check in...please let me know if you need any other information. I would like to move forward with separation at this time, and am seeking your recommendation.

Thanks,

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331

From: Tina Pizarro
Sent: Thursday, May 19, 2011 2:51 PM
To: Jen Gurtov
Subject: PRSC Case 9105586

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STAR_MARSHALL0002067

Hi Jen,

I have received your case regarding SM Charis Liu. When you have a moment, can you please send me the signed PIP, reviews, and any other corrective actions that you may have? My fax number is 206-903-4067

Thank you.

Regards,

Tina Pizarro, PHR

partner relations associate, PRSC

Starbucks Coffee Company

Phone: 817-431-8838 / Fax: 206-903-4067

Message Headers:

Received: from CHDMS071.starbucks.net ([fe80::61bf:ae2e:4347:7202]) by
chdms073.starbucks.net ([fe80::f508:ff0e:e5d8:bfb4%10]) with mapi; Thu, 26
May 2011 11:59:22 -0700
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Tina Pizarro <tpizarro@starbucks.com>
To: Jen Gurtov <jgurtov@starbucks.com>
CC: Nancy Murgalo <NMurgalo@starbucks.com>, Victor Heutz
<vheutz@starbucks.com>
Date: Thu, 26 May 2011 11:59:19 -0700
Subject: RE: PRSC Case 9105586
Thread-Topic: PRSC Case 9105586
Thread-Index: AcwWVaDYc6Gmo/fIQ1OjDIQiwNPeHADA5XXAAHjvLNAAHF8ScAAEXjwwAAW7oqA=

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STAR_MARSHALL0002068

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MIME-Version: 1.0

SourceLastModifiedTime: 6/14/2011 11:28:12 PM +00:00

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Please refer to that file for the original evidence.

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STAR_MARSHALL0002069

Davis, Sofia

From: Jen Gurtov [jgurtov@starbucks.com]
Sent: Thursday, January 13, 2011 6:45 PM
To: Tina Pizarro
Cc: Nancy Murgalo; Victor Heutz; Jen Gurtov
Subject: Serenity Marshall
Attachments: Creating the environment with Serenity.doc; Serenity Marshall--Corrective Action--2.17.doc; Serenity Marshall--Corrective Action--3.15.10.doc; Serenity Marshall FY 10 Checkin-Assessment.doc

Hi Tina,

On December 22nd, 2010, I had spent a development day with Serenity Marshall, SM of store 11649. In reviewing her Daily Record's Book, I began to notice many discrepancies. The dates of the bank statements did not match the dates the deposits were completed. I asked Serenity why there were so many discrepancies and she said she was not able to complete the deposit daily. I asked her what Starbucks's policy was in reference to bringing deposits to the bank and she stated that it was policy to process deposits daily and bring them to the bank daily. I asked her why she had broken policy and she said she was not able to make it off of the floor daily to process the deposits.

I then began looking at the deposit that was supposed to be completed the day prior on 12/21. The deposit section was filled in by Serenity, she had signed off that she had brought the deposit to the bank, however there was not a printed bank slip attached. I asked her where the receipt was. She said she must have misplaced it and began going through a pile of slips looking for it. I asked her if she was sure she brought that deposit to the bank and she said yes. I then said, well then let's go to the bank to retrieve the slip. She paused and then said that she had lied and did not bring the deposit to the bank, she had not even yet processed it. I asked her why she lied and falsified the information in the Daily Record's Book and she said she was nervous she would get in trouble for not processing the deposit the day prior. The deposit bags for that deposit were still in the safe.

I then asked to see her log for the month of November. This log was in worse condition than December's. She had not even filled out the deposit section daily. There were also numerous occasions in which she did not even fill out safe counts. She has also been falsely documenting the deposit section in the Daily Record's Book on many occasions. She has filled in that her shift supervisors had brought the deposit to the bank on certain days when in truth she herself had brought the deposit to the bank the day after.

I have her November cash log for review with numerous instances of this behavior of falsifying documentation.

I would like to proceed with separating Serenity's employment with Starbucks for her admitted falsification of company documents(in this case the Daily Records Book) as well for continuously not depositing deposits into the bank daily.

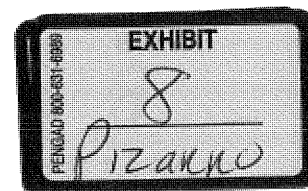
I am attaching prior corrective actions as well as Serenity's FY '10 Performance Review which highlights continued areas of focus in the Q4 competency section.

Please let me know if you need any other information or any of the attached documents faxed.

Thanks so much for your help,

Jennifer Gurtov

District Manager Starbucks Coffee Company 917.975.1331





The below is a recap on the conversation Serenity Marshall and Jennifer Gurtov had regarding Creating the Environment on Tuesday, November 25th, 2008.

Creating the environment: Develops a positive, respectful, productive, and professional work environment.

Derailer: Allows discriminatory or inappropriate behavior to exist in the workplace

The issue was brought to Serenity's attention about challenging closings.

- Serenity will schedule herself for one closing a week.
- Serenity will pop in on store during times she is not scheduled.

Management of Shift Supervisor performance in cash handling.

- Serenity will evaluate the Daily Records Book daily and have coaching conversations and documentation in a timely manner.

Performance Management of partners treating customers with respect.

- Daily coaching conversations with partners around Green Apron Behaviors.
- Review conversations/connections with team daily.

Cleanliness/Operations of store: Brought to attention on many occasions.

- Hold partners accountable daily to Duty Roster completeness.
- Hold SS accountable daily to FOH standards
- Re-visit cleanliness/general expectations of Bathroom Attendant and hold accountable.
- Utilize shifts to hold baristas accountable.
- Daily Values Walks

On review, was a needs improvement in Leadership.

Opportunity from review: To raise personal sense of urgency regarding operational execution and presentation to raise the level of service, customer experience, and store success.

Partner Signature _____ Date _____

Manager Signature _____ Date _____



Corrective Action Form

Store/Dept: 847

Employee's Name: Serenity Marshall

Employee's Hire Date:

Manager's name: Jennifer Gurtov

Today's Date:

02/18/09

Statement of Situation

Manager's Statement Describe the situation leading to the completion of this notice. Use Corrective Action Plan form if necessary.
Date of Occurrence(s): 02/15/09

Description: Serenity has not consistently created a great environment by not setting clear direction to her team to maintain the store operations to cleanliness standards. On the above date, during a tour of the store, bathrooms were dirty (floors and corners needed to be detailed, fixtures needed to be wiped down), whole bean stand display was facing the wrong direction, was not completely stocked, and was dirty. Floors along edges of store were dusty and dirty. Many flies were noted both front of house and back of house. Felisha was out of dress code with bright red hair. Serenity and I have had many conversations regarding the inconsistency of the cleanliness in her store. I have repeatedly set direction on opportunities listed above.

Employee's Statement Employee is encouraged to remark about this event. Use Corrective Action Plan Form, if necessary.

Date of Occurrence(s):

Description:

Corrective Action

(circle one) Verbal Written

(circle one) Verbal Written

Date: 02/18/09: By Whom: Jennifer Gurtov

Date: By Whom:

Comments: Serenity and I have had many conversations regarding the opportunities listed in this document.

Comments:

X Employee scheduled to meet for follow-up evaluation on 03/03/09 @ 4p and on 03/17/09 @ 4p to review Action Plan to improve performance.

X See attached Action Plan.

☐ Other:

Reinforcing Improved Performance

Date: 03/17/09

Performance has (circle one):

improved

not improved

If performance has improved:

If performance has NOT improved:

Specific description of how employee performance has improved:

Action Taken:

Action Plan for continued reinforcement of improved performance:

Signatures

Manager preparing form

Date

Next level manager

Date

I have read the above document and understand the information.

SKU 104130

Signed Original Copy – employee

Signed Copy – Human Resources/Regional Office

Copy – manager/store copy

STAR_MARSHALL0001616

Employee: Serenity Marshall

Date: 02/18/09

Setting Direction: Establishes and communicates a compelling and inspired vision and sense of core purpose; creates competitive strategies and plan; ensures department strategies are aligned with company strategies.

Serenity needs to set clear direction to her team and follow up accordingly to ensure operations are maintained to standards.

What does success look like?

- Ecosure Results to company standard of 90%
- Bathrooms are consistently detailed cleaned (corners, grouting on both floors and walls, area behind toilet, toilet brush holder)
- Mirrors and stainless on doors are consistently wiped down, free of fingerprints and splash marks.
- Bathroom is free of graffiti...if graffiti is noted in bathroom, it must be called in to facilities immediately and an e-mail must also be sent to DM to confirm with work order number.
- Front entranceway is consistently free of debris.
- Walk off mat is free of debris.
- Windows/Ledges are cleaned daily and free of fingerprints and smudges.
- Store is dusted daily (ie...retail wall bays, bean stand, ledges, electric outlets.
- Bases of basket stands, banner stand, tea stand are wiped down daily.
- Partners are consistently following standards with dress code. If they don't, they will be sent home.

Actions to be completed:

- Serenity is to set clear expectations to leadership team around Values Walks being completed at the beginning of every SM/ASM/SS shift. She is to set clear direction that action is to be taken in the moment on anything that needs to be corrected as noted on Values Walk. **To be completed by: 02/23/09**
- Serenity is to clean the bathroom with her bathroom attendants to set clear direction on what the bathroom is to look like at all times. She is to follow-up during her scheduled shifts with her bathroom attendants to ensure the cleanliness is to standards. **To be completed by: 02/23/09**
- Serenity is to set clear direction with new ASM, Alfred Berneti, on his first day in the store. She is to review all expectations of all partners and positions and ensure he has a clear understanding of responsibilities. She is to follow up weekly with Alfred to review operations, check for understanding, and provide feedback. **To be completed by: 02/23/09**
- Serenity is to perform a Values Walk along side each partner in the store to set clear direction to team and ensure they have a clear understanding of expectations. **To be completed by: 03/02/09**
- Serenity is to perform weekly QASA audits in store. She is to perform a QASA audit with every Shift Supervisor and ASM to set clear direction to leadership team and ensure they have a clear understanding of expectations. **To be completed by: 03/17/09**



Corrective Action Form

Store/Dept: 847

Employee's Name: Serenity Marshall

Employee's Hire Date:

Manager's name: Jennifer Gurtov

Today's Date:

03/15/10

Statement of Situation

Manager's Statement

Describe the situation leading to the completion of this notice. Use Corrective Action Plan form if necessary.

Date of Occurrence(s): 03/12/10

Description: Serenity is not consistently setting clear direction to her team to maintain the store operations to cleanliness standards. On the above date, during a tour of the store, bathrooms were dirty (walls/grout beneath hand dryer, rim of garbage bin). Floors along edges of store were dirty. There was multiple days worth of build up under counters of back line spanning from brewer area all the way to underneath the warming station. Back of house floors were just as dirty. Partners were not consistently making genuine connections at hand off, not delivering the promise. Front of house was still in the process of being stocked when deployment standards should have already been in place. Serenity and I have had many conversations regarding the inconsistency of the cleanliness in her store as well as the inconsistency in behaviors around creating highly satisfied customers. I have repeatedly set direction on opportunities listed above.

Employee's Statement

Employee is encouraged to remark about this event. Use Corrective Action Plan Form, if necessary.

Date of Occurrence(s):

Description:

Corrective Action

(circle one) Verbal Written

(circle one) Verbal Written

Date: 03/15/10 By Whom: Jennifer Gurtov

Date: By Whom:

Comments: Serenity and I have had many conversations regarding the opportunities listed in this document.

Comments:

☐ Other:

Reinforcing Improved Performance

Date: Performance has (circle one): improved not improved

If performance has improved:

If performance has NOT improved:

Specific description of how employee performance has improved:

Action Taken:

Action Plan for continued reinforcement of improved performance:

Signatures

Manager preparing form

Date

Next level manager

Date

I have read the above document and understand the information.

Employee: Serenity Marshall

Date: 03/15/10

SKU 104130

Signed Original Copy – employee

Signed Copy – Human Resources/Regional Office

Copy – manager/store copy

STAR_MARSHALL0001618

V. 01.20.09



PERFORMANCE EXPECTATIONS & RESULTS – Non Retail and Field Leadership

| | |
|--|--------------------------------------|
| Partner Name: Serenity Marshall | Position Title: Store Manager |
| Partner Number: | Fiscal Year Date: 2010 |

| |
|--|
| Q1: What's Important and Where to Focus <small>for partners new in position, complete within first month of hire</small> Date Completed: |
| <i>List the targeted results, goals and accountabilities to be achieved in order to be effective in your job. Reference the Core Competencies on the back of this form for determining how to achieve goals and accountabilities.</i> |
| Be the Undisputed Coffee Authority Goal 1: Customer Sat.: Taste of Beverage (% of highly satisfied) 78% Goal 2: VIA Sales variance to target Engage & Inspire our Partners Goal 3: Total Store Turnover 65% or 10% improvement, measured on a rolling 12-month period Goal 4: Barista New Hire Failure Rate: 20% Ignite the emotional attachment with our customers Goal 5: Customer Overall Satisfaction: 77% Goal 6: Friendliness: 85% Goal 7: Speed of Service: 75% Goal 8: QASA overall score: 90% Deliver a sustainable economic model: Goal 9: Sales: 100% of target Goal 10: Labor: V2I not greater than 0% Goal 11: Labor: V2 NC not greater than 0% Goal 12: Profitability: CC: 100% of target |

| |
|--|
| Q2 / Q3: Check-in on Progress and Changes Date Completed: |
| <i>Discuss performance to date, key learnings and next steps. Reference the Core Competencies on the back of this form as you explain how they were effectively utilized to achieve goals and accountabilities.</i> |
| Be the Undisputed Coffee Authority Goal 1: Customer Sat.: Taste of Beverage (% of highly satisfied) 78%: 40.4% Goal 2: VIA Sales variance to target: up \$764 Engage & Inspire our Partners Goal 3: Total Store Turnover 65% or 10% improvement, measured on a rolling 12-month period : 122.6% Goal 4: Barista New Hire Failure Rate: 20% : 100% Ignite the emotional attachment with our customers Goal 5: Customer Overall Satisfaction: 77%: 40% Goal 6: Friendliness: 85% : 63.6% Goal 7: Speed of Service: 75% : 36.4% Goal 8: QASA overall score: 90% : not shopped yet for this year, however has not shown consistency in QASA standards Deliver a sustainable economic model: Goal 9: Sales: 100% of target: up \$110,452 to target, 13.5% comp growth Goal 10: Labor: V2I not greater than 0%: (0.2%) Goal 11: Labor: V2 NC not greater than 0%: 0.1% Goal 12: Profitability: CC: 100% of target: up \$90,671, up 6.7% to target Other: Food UPH growth: up 3.1%- goal of 5% increase Coffee Cadence: not consistent Development: promoted Becky Bledsoe to SS MCM: Nicole Mateulewich, Mari Fetzer, Keri Errico |

| |
|---|
| Q4: Review Results and Accomplishments Date Completed: |
| <i>Provide examples of the actual performance against goals. Describe the competencies/behaviors that were demonstrated in achieving these results. Reference the competencies on the back page of this form.</i> |

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STAR_MARSHALL0001619

V. 01.20.12

Be the Undisputed Coffee Authority

Goal 1: Customer Sat.: Taste of Beverage (% of highly satisfied) 78%: 57%

Goal 2: VIA Sales variance to target: up \$198

Engage & Inspire our Partners

Goal 3: Total Store Turnover 65% or 10% improvement, measured on a rolling 12-month period : 99.2%

Goal 4: Barista New Hire Failure Rate: 20% : 54.5%

Ignite the emotional attachment with our customers

Goal 5: Customer Overall Satisfaction: 77%: 72%

Goal 6: Friendliness: 85% : 81%

Goal 7: Speed of Service: 75% : 69%

Goal 8: QASA overall score: 90% : 87.6%

Deliver a sustainable economic model:

Goal 9: Sales: 100% of target: up \$245,447 to target; 20.5% comp growth

Goal 10: Labor: V2I not greater than 0%: 0.6%

Goal 11: Labor: V2 NC not greater than 0%: 0.2%

Goal 12: Profitability: CC: 100% of target: up \$182,473, up 5.8% to target

Summary of Top Achievements, Strengths and Areas for Development:

Puts Customer First: Effective: Serenity is aware of what creates satisfied customers, knows the key drivers of overall customer satisfaction, and coaches her team on how they contribute to overall store success. Serenity has committed, in the latter half of this year, to consistently model and coach legendary service as well as set clear customer service and coaching expectations to her shift team. Serenity needs to maintain this focus consistently throughout FY'11. I would also like to see her continue to problem solve to achieve greater efficiency, influence customer decisions.

Works Well with Others: Effective: Serenity creates an environment where partners feel comfortable and communicates with her team in a clear, concise and sincere manner. She delivers difficult messages with confidence. I would like to see Serenity effectively build and utilize working relationships, both with partners, peers and support to get things done.

Leads Courageously: Ineffective: Throughout this past year, Serenity has struggled with leading courageously. She has not consistently made timely and effective decisions, she has pushed decisions upward, she has waited for things to be clearly defined (sometimes even multiple times...le...cleanliness). She has struggled with helping partners maintain focus during competing priorities. Serenity has begun to turn around these behaviors over the course of the last quarter, however has not been a significant/consistent change to show full turn around in behaviors. I would like to see Serenity focus on articulating a clear picture of future achievements to her team, as well as clear expectations on how to achieve results (QASA, customer focus expectations of values walks, 10 minute timer/lobby slide routine, VIA...)

Develops Continuously: Effective: Serenity has been an MCM multiple times over the course of the past year. She provides ongoing coaching to her team to strengthen performance and adapts her coaching style to meet diverse needs and learning styles. She has also played a role within district to help prep partners for interviews for next level. I would like to see Serenity ensure that she consistently utilizes tools, pdps to calibrate with partners and create specific, measurable and realistic development plans.

Achieves Results: Ineffective: Serenity has not consistently utilized plan, do, check, adjust throughout this past year. She has also not consistently held herself or her team accountable to success measures. She has had difficulty root causing/problem solving to remove obstacles for her partners. Again, over the past several months, Serenity has shown a renewed focus and has begun leading her team to be successful against achieving results. This must be the foundation for FY'11. Serenity is not to lose sight of the success she has had over the past few months and move backwards. Areas of continued focus include: VIA, QASA, Customer Voice, succession planning and turnover, cash over/short.

| OVERALL RATING: | | Meets Expectations | | <i>Manager provides an overall rating at left based on performance against goals, accountabilities, and the use of competencies in achieving results.</i> | |
|---|--|--|--|---|--|
| Must Improve | | Meets Expectations | | Above Expectations | Consistently Exceeds |
| Achievement of goals and key accountabilities is below expectations <small>* MI rating requires Performance Improvement Plan</small> | | Achieves all or the majority of goals and key accountabilities | | Consistently meets and often exceeds in achieving goals and key accountabilities | Consistently exceeds in achieving goals and key accountabilities; pushes the organization to the next level and inspires others to excel |

Partner Signature**Date****Manager Signature****Date**

Partner's signature indicates this review has been discussed and does not necessarily indicate the partner's agreement with its contents

PERFORMANCE COMPETENCIES & DEVELOPMENT PLAN**CORE COMPETENCIES FOR ALL PARTNERS:**

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STAR_MARSHALL0001620

Puts the Customer First: Has a relentless focus on the customer. Understands what the customer wants and how to best deliver the experience.

Works Well with Others: Listens and communicates well with others within and outside of Starbucks. Creates a team environment that is positive and productive.

Leads Courageously: Takes personal responsibility to do the right thing, and persists in times of challenge or uncertainty. Adapts quickly to change and makes timely, thoughtful decisions.

Develops Continuously: Continuously seek opportunities to improve self and others. Leads with trust, honesty and commitment to hire, coach and develop partners to achieve their potential.

Achieves Results: Understands what drives overall business success and is accountable to prioritize and deliver quality results. Demonstrates knowledge of core products and processes to get results. Anticipates obstacles and takes action to prevent or minimize their impact.

DEVELOPMENT PLAN:

Using feedback from recent performance review, create a development plan with the partner. Review progress against the plan at mid-year, but be sure to provide on-going feedback about progress throughout the year.

Define skills and competencies for development; identify how success will be measured

Date Completed:

Attain VIA Goal in quarter one

Staff internal succession plan, independent of team.

Improve customer voice metrics by 10 points during the quarter, have action plans completed Tuesday after results are posted...problem solving go see completed prior. Every partner must know action step as well as the three behaviors they are committing to elevate customer experience by the following Friday.

Improve speed of service by 8 points and taste of beverage by 20 points through our beverage repeatable routine

Ensure Quality Assurance/Customer Voice tools are fully executed, Values Walks 3x a day, daily duty roster, NY Top 10 Criticals & weekly quality assurance audits.

Arrive at labor numbers including efficiency at 75% or better. Make investments during am/pm peak to drive business forward. Check and adjust daily.

Cash over/short to be no greater than .05% of sales

Identify specific activities and experiences to learn and apply new skills/competencies

Document progress at mid-year and on-going, as needed

Date:

Date:

Date: